IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

CONTEMPT APPLICATION NO.7 OF 2016

IN

ORIGINAL APPLICATION NO.525 OF 2015

DISTRICT : PUNE

Mrs. Jyoti Shivaji Bade ..Applicant

Versus

Shri Vijay Waghmare, Director (Training) ..Respondent

Shri M.D. Lonkar – Advocate for the Applicant

Shri K.B. Bhise – Presenting Officer for the Respondent

CORAM : Shri Rajiv Agarwal, Vice-Chairman

Shri R.B. Malik, Member (J)

DATE : 16th February, 2016

PER : Shri R.B. Malik, Member (J)

O R D E R

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. The affidavit in reply of Shri Vijay Balkrishna Waghmare, Director (Training), Directorate of Vocational Education and Training, Mumbai has been tendered and is taken on record.

3. The order dated 23.12.2015 of which the contempt is alleged was quite clear in every respect. It appears that the respondent no.2 has complied with the order of the Tribunal and has relieved the applicant. However, the respondent no.1 has not so far implemented the order whereby the applicant could be allowed to join as Clerk.

4. The present CA having been presented before the Hon'ble Chairman directions were given on 27.1.2016 to Shri V.B. Waghmare, Director (Training) to submit an affidavit on the points set out in para 2 thereof. The affidavit in reply has been filed and in our opinion it makes a sad reading, to use the mildest of the expressions. For all one knows from para 5 and 6 it would appear as if the implementation of the order of this Tribunal should await a nod from the office of the CPO of this Tribunal or Government Department of Principal Secretary, Skill Development and Entrepreneurship of Mantralaya. One should have thought it as basic and elementary that whatever is directed by a judicial forum has to be complied with in accordance with its order. Shri Bhise, Ld. PO, on instructions from Shri S.M. Haste, Joint Director, Vocational Education & Training, expresses a possibility of an opinion from Law & Judiciary Department having been sought on whether to challenge our order or whatever. According to him the opinion has been received to file a Review Application. Now, in the

ultimate analysis we cannot guess on whatever is in store in that behalf because in fact if we did that we might contribute to lowering the dignity of the Tribunal and in that sense join the company of the respondents. The order is capable of being implemented and it had to be. No irretrievable prejudice would have been caused to anybody even if that order was to be upturned later on. But it is a trite legal position with profound public policy overtones that so long as an order of a judicial forum capable of being executed stands that has to be complied with without sitting tight over it on the basis of probable and likely future events which in fact may not be one of the best things to do. We avoid using stronger and more unpalatable language.

5. For all the reasons just mentioned we direct that the full compliance with our order must be made by tomorrow (17.2.2016) and if that was done then before taking a final decision hereon we may consider if the degree of defiance has been diluted. All concerned shall act in accordance with the steno copy hereof. CA stands adjourned to 17.2.2016.

17.2.16

(R.B. Malik)
Member (J)
17.2.2016

Rajiv Agarwal

(Rajiv Agarwal)
Vice-Chairman
17.2.2016

Date : 17th February, 2016

Dictation taken by: S.G. Jawalkar.

E:\JAWALKAR\Judgements\2016\2 February 2016\CA.7.16 in OA.525.15.J.2.2016-JSBade-SO 17.2.16.doc

(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
	MA No.59/16 in OA No.21/15 Heard Shri V.V. Joshi, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. Issue notice returnable on 1.3.2016. 16.2.16 (R.B. Malik) Member (J) 16.2.2016 Rajiv Agarwal (Rajiv Agarwal) Vice-Chairman 16.2.2016 (sgj)

DATE: 16/2/16

CORAM:

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

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

APPEARANCE:

Shri/Smt.: V.V. Joshi

Advocate for the Applicant

Shri/Smt.: K.S. Gaikwad

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

Affidavit of Service Filed by Applicant

Adj. to S.O. to 1/3/16.

(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
	O.A. No.325 of 2015 Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Rejoinder taken on record. Admit. Liberty to mention. If the sur-rejoinder is to be filed it must be filed on the day it appears before the appropriate bench and not thereafter. 16.2.16 (R.B. Malik) Member (J) 16.2.2016 (sgj)

DATE : 16/2/16 DLM

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ : K.R. Jagdale

Advocate for the Applicant

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

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

Admit.

Adj. To... Liberty to mention.

(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
	O.A. No.242 of 2015 Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Ld. Advocate for the applicants informs that applicants do not want to file rejoinder. Admit. Liberty to mention. 16.2.16 (R.B. Malik) Member (J) 16.2.2016 (sgj)

DATE: 16/2/2016 D/B

CORAM:

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

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

APPEARANCE:

Shri/~~Smt.~~ G.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Admit.

Adj. To. Liberty to mention.

B/E

(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
	O.A. No.127 of 2016 Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. On the request of the Ld. PO last chance is granted to file reply. It is made clear that on the next date regardless of whether reply is filed or not, the OA will move to the next stage. S.O. to 2.3.2016. (R.B. Malik) Member (J) 16.2.2016 (sgj)

DATE : 16/2/2016 DLN

CORAM :

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

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

APPEARANCE :

Shri/Smt. C.T. Chandratre

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Adj. To 2/3/16.

12/2

(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

16.02.2016

O.A No 36/2016

1. Heard S.P Saxena, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 16.3.2016.

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

4. Applicant is authorized and directed to serve on 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 to 16.3.2016.

DATE: 16/2/16

CORAM:

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

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

APPEARANCE:

Shri/~~Smt.~~ S.P. Saxena

Advocate for the Applicant

Shri/~~Smt.~~ A.J. chougale

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

~~Adj. to~~ S.O. to 16.3.16.

Rajiv Agarwal

(Rajiv Agarwal)
Vice-Chairman

Akn

(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

16.02.2016

O.A No 169 /2016

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 15.3.2016.

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

4. Applicant is authorized and directed to serve on 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 to 15.3.2016. Learned P.O waives service of notice.

DATE: 16/2/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri P. B. MALIK (Member)~~
APPEARANCE:
Shri/Smt. A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. K.S. Gaikwad
~~C.P.O.~~ P.O. for the Respondents
~~Adj~~ S.O to 15/3/16.

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

(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

16.02.2016

O.A No 106/2015

Heard Shri A.R Joshi, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.

Learned Advocate Shri Joshi sought time to file affidavit in rejoinder.

Learned P.O Shri Bhise stated that the Applicant has challenged D.E, which was pending against him. During the pendency of this O.A, final order has been passed on 2.2.2016 and the O.A has therefore become infructuous.

Learned Advocate Shri Joshi stated that the Applicant has not yet received copy of that order and he will make statement in this regard on the next date.

S.O to 4.3.2016.

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 16/2/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/Smt. A.R. Joshi
Advocate for the Applicant
Shri/Smt. K.B. Bhise
~~C.P.O.~~/P.O. for the Respondents
~~Adj. to~~ S.O to 4/3/16.
for Rejoinder

(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

16.02.2016

O.A No 175/2016

1. Heard Shri S.S Dere, holding for Shri M.D Lonkar, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 15.3.2016.

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

4. Applicant is authorized and directed to serve on 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 to 15.3.2016.

DATE: 16/2/16

CORAM:

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

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

APPEARANCE:

Shri/~~Smt.~~ S.S. Dere, holding for M.D. Lonkar
Advocate for the Applicant

Shri/~~Smt.~~ K.B. Bhise
~~C.P.O.~~ P.O. for the Respondents

S.O. to 15/3/16.

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

Akn

(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

16.02.2016

O.A No 53/2016

Heard Smt Punam Mahajan, learned advocate for the applicant, Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents no 1 to 3 and Shri A.V Bandiwadekar, learned advocate for Respondent no. 4 .

Learned C.P.O files affidavit in reply on behalf of Respondents no 2 & 3. Learned Advocate Shri Bandiwadekar files affidavit in reply on behalf of Respondent no. 4.

O.A is admitted. Applicant may file rejoinder, if need be. Place for final hearing on 1.3.2016.

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

Akn

[redacted]: 16/2/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice Chairman)
[redacted]
Shri/Smt: Poonam Mahajan
Advocate for the Applicant
Shri /Smt: N.K. Rajpurohit
C.P.O /P.O. for the Respondents No. 1 to 3.
A.V. Bandiwadekar for R.No. 4 (V.P. filed)
[redacted]
O.A. is admitted.
S.O. to 1/3/16.
Reply filed by R.No. 2,3&4.
Service affidavit filed by Applicant.

(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

16.02.2016

O.A No 56/2016

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

Learned Advocate Shri Bandiwadekar stated that no review of the order of suspension has been done as per clause 7(a) of the G.R dated 14.10.2011. Learned P.O states that he will make statement on the next date and he will also file affidavit in reply.

S.O to 1.3.2016.

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

Akn

Date: 16/2/16

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.~~ K.B. Bhise

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

Adj. to 1/3/16.

for Reply

(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

16.02.2016

O.A No 1077/2014

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

The Applicant is seeking compassionate appointed as his father who was working as P.S.I died while in service. The claim of the Applicant is that the post of P.S.I falls under Group-C post and therefore he is entitled for appointment on compassionate ground.

Learned P.O stated that the post of P.S.I has been included in Group-B by order of the D.G.P dated 13.12.2011. Learned P.O stated that he will produce the concerned order / recruitment rules by which the post of P.S.I has been declared as Group-B.

S.O to 23.2.2016. The matter may be treated as part heard.

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 16/2/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R.B. MALIK (Member)~~
APPEARANCE:
Shri/~~Smt.~~ K.R. Jagdale
Advocate for the Applicant
Shri/~~Smt.~~ A.J. chougale
~~C.P.O~~/P.O. for the Respondents

S.O. to 23/2/16.
Part heard

PH

(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

16.02.2016

M.A 64/2016 with O.A No 154 /2016

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

2. Issue notice before admission in M.A and O.A, made returnable on 15.3.2016.

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

4. Applicant is authorized and directed to serve on 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 to 15.3.2016. Learned P.O waves service of notice.

DATE: 16/2/16
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.~~ K.B. Bhise
~~C.P.O~~/P.O. for the Respondents
~~Addl.~~ S.O. to 15/3/16.

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

Akn

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 150 OF 2016

DISTRICT : MUMBAI

Shri Prakash Ramdas Shivade)...**Applicant**

Versus

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

Shri K.R Jagdale, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 16.02.2016

O R D E R

1. Heard Shri K.R Jagdale, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate Shri Jagdale stated that the Applicant was transferred by order dated 24.7.2015 as Principal, I.T.I, Chiplun. The Applicant has recently undergone Angioplasty at Bombay Hospital, Mumbai and on health ground to get adequate medical care, he requested that he may be posted either at Thane or Ulhasnagar, where the post are vacant for last 3 years. Learned Advocate Shri Jagdale stated that by order dated

16.11.2015 10 similarly situated persons who were transferred to different places by order dated 3.7.2015 and 24.7.2015 have been given posting as requested by them. Not only that, by another order dated 22.1.2016, three more persons have been given posting as per their own request. However, only in case of the Applicant, though he has a genuine reason for seeking posting in Thane or Ulhasnagar his request has not been considered and he has been threatened that disciplinary action will be taken against him, if he does not join at Chiplun.

3. Learned Advocate Shri Jagdale, therefore, sought that the post in Thane, i.e. Head Master, Govt. Technical High School, and Government Technical High School, Ulhasnagar may not be filled till the decision of this O.A. Learned P.O opposed grant of interim relief. She stated that she will seek instructions in the matter and file reply on the next date.

4. Considering the facts mentioned by the Applicant, interim relief sought by him that the post of Head Master at Government Technical High School, Thane and Ulhasnagar may not be filled to the extent that at least one of the post should be kept vacant till the final disposal of this O.A is granted.

5. Issue notice before admission made returnable on 16.3.2016.

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

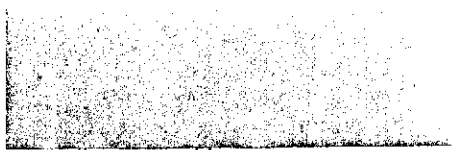
7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

10. S.O to 16s.3.2016. Learned Presenting Officer waives service of notice. Hamdast.



(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 16.02.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\Feb 2016\O.A 167.16 Suspension order challenged SB.0216 Int order.doc

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 167 OF 2016

DISTRICT : MUMBAI

Shri Aanand Balirshna Dalvi)...**Applicant**

Versus

The Addl. Commissioner of Police & Ors)...**Respondents**

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

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 16.02.2016

O R D E R

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

2. This Original Application has been filed by the Applicant who was working as Senior Clerk in the office of Respondent no. 1, Addl. Commissioner of Police, (Crime) and he has been placed under suspension as a criminal case has been registered against him. The order of suspension is 1.8.2013. Learned Advocate Shri Bandiwadekar stated that condition no. 5 of the suspension order states that the Applicant has to give his

attendance every day in the office of Senior Administrative Officer, Crime Cell, Mumbai and that he should not leave the headquarters without his permission, is not in keeping with any of the provisions of the M.C.S (Discipline & Appeal) Rules, 1979 and he is, therefore, seeking stay to this condition. Learned Advocate Shri Bandiwadekar also stated that as per clause 7(1) of the G.R dated 14.10.2011 the Applicant's case should have been placed for review before the appropriate Review Committee. Learned Advocate Shri Bandiwadekr also stated that his client has not been informed about any such review being made in his case.

3. Learned Chief Presenting Officer stated that the Applicant has been suspended since 1.8.2013 and he has been attending every day and interim relief should not be granted as the applicant has approached this Tribunal after 2 ½ years after the suspension order is passed. Learned C.P.O on instructions from Shri Prashant Kadam, Administrative Officer, Crime Cell, Mumbai stated that the case of the Applicant was placed before the Review Committee for reviewing his suspension. However, the details will be furnished on the next day.

4. In view of the submission made by the learned C.P.O, I am not convinced that any case for granting interim relief as regards condition no. 5 of the suspension order arises at this stage. However, the instructions contained in G.R dated 14.10.2011 may be scrupulously followed by the Respondents and the details of the review which has already been done may be furnished by the learned C.P.O on the next date. The result of such review may also be communicated to the Applicant.

5. Issue notice before admission made returnable on 8.3.2016.

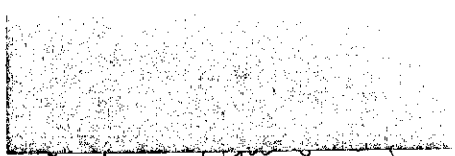
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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

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

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

10. S.O to 8.3.2016. Learned Chief Presenting Officer waives service of notice. Hamdast.



(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 16.02.2016
Dictation taken by : A.K. Nair.

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 168 OF 2016

DISTRICT : MUMBAI

Shri S.A Jadhav)...**Applicant**

Versus

The Addl. Commissioner of Police & Ors)...**Respondents**

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

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 16.02.2016

O R D E R

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

2. This Original Application has been filed by the Applicant who was working as Junior Clerk in the office of Respondent no. 1, Addl. Commissioner of Police, (Crime) and he has been placed under suspension as a criminal case has been registered against him. The order of suspension is 1.8.2013. Learned Advocate Shri Bandiwadekar stated that condition no. 5 of the suspension order states that the Applicant has to give his

attendance every day in the office of Senior Administrative Officer, Crime Cell, Mumbai and that he should not leave the headquarters without his permission, is not in keeping with any of the provisions of the M.C.S (Discipline & Appeal) Rules, 1979 and he is, therefore, seeking stay to this condition. Learned Advocate Shri Bandiwadekar also stated that as per clause 7(1) of the G.R dated 14.10.2011 the Applicant's case should have been placed for review before the appropriate Review Committee. Learned Advocate Shri Bandiwadekr also stated that his client has not been informed about any such review being made in his case.

3. Learned Chief Presenting Officer stated that the Applicant has been suspended since 1.8.2013 and he has been attending every day and interim relief should not be granted as the applicant has approached this Tribunal after 2 ½ years after the suspension order is passed. Learned C.P.O on instructions from Shri Prashant Kadam, Administrative Officer, Crime Cell, Mumbai stated that the case of the Applicant was placed before the Review Committee for reviewing his suspension. However, the details will be furnished on the next day.

4. In view of the submission made by the learned C.P.O, I am not convinced that any case for granting interim relief as regards condition no. 5 of the suspension order arises at this stage. However, the instructions contained in G.R dated 14.10.2011 may be scrupulously followed by the Respondents and the details of the review which has already been done may be furnished by the learned C.P.O on the next date. The result of such review may also be communicated to the Applicant.

5. Issue notice before admission made returnable on 8.3.2016.

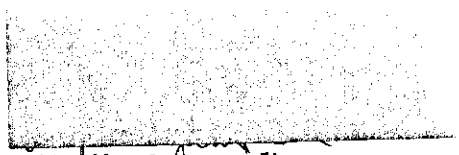
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

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

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

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

10. S.O to 8.3.2016. Learned Chief Presenting Officer waives service of notice. Hamdast.



(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 16.02.2016
Dictation taken by : A.K. Nair.

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(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

16.02.2016

O.A No 170/2016

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate Shri Bandiwadekar stated that the Applicant is a Police Naik and his appointing authority is Commissioner of Police, Mumbai. However, the impugned order of suspension has been passed by the Addl. Commissioner of Police, Crime, Mumbai, who is not competent to pass such orders, as per Notification dated 12.1.2011 issued under Bombay Police (Punishment & Appeal) Rules, 1956. He, therefore, sought interim relief that the order of suspension may be stayed.

3. Learned C.P.O stated that the Applicant has been under suspension for more than 2 ½ years and he is raising this issue for the first time today. Hence he opposed grant of interim relief and the Respondents will meet with this at the time of filing reply.

4. No interim relief is granted.

5. Issue notice before admission made returnable on 8.3.2016.

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

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

8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

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

Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

10. S.O to 8.3.2016. Learned C.P.O waives service of notice.

11. The pendency of this O.A will not preclude the Respondent no. 1 from taking action regarding suspension order in the light of the Notification dated 12.1.2011.

DATE: 16/2/16

CORAM:

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

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

APPEARANCES:

Shri/~~Smt.~~ R.V. Bandiwaddekar

Advocate for the Applicant

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

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

Adj. to 8/3/16.

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

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