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

O.A. No.1068/2016

Heard Shri C.T. Chandratre, the learnec Advocate for the Applicant and Ms N.G. Gohad, the learned Presenting Officer holding for Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.

Issue notice returnable on 15.12.2016.

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 15th December, 2016.

17-11-16

(R.B. Malik)
Member (J)
17.11.2016

vsm

DATE: 17/11/2016
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.~~ C.T Chandratre
Advocate for the Applicant
~~Shri/Smt.~~ N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 15/12/2016

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

DATE : 17/11/2016

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

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

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

APPEARANCE :

Shri A.V. Bandiwadekar

Advocate for the Applicant

Shri N.G. Gohad, P.O. holding for

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

Shri H.K. Rajpurohit, C.P.O. for Resps.

Adj. To 1/12/16 Hamdast

O.A. No.1067/2016

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

As far as the interim order is concerned, the same interim order that was made in O.A. No.1066/2016 on account of the fact that the facts are similar the same order is passed. For facilitate, the same order is reproduced herein below:-

"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."

S.O. to 1st December, 2016.

Sd/-

17-11-16

(R.B. Malik)
Member (J)
17.11.2016

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 : 17/11/16

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. A.V. Bandiwadekar

Advocate for the Applicant

~~Shri~~/Smt. N.G. Gohad, P.O. holding for

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

Shri N.K. Rajpurohit, C.P.O. for Resps.

Adj. To..... M.A. is allowed.

M.A. 453/2016 in O.A. No.1067/2016

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms N.G. Gohad, the learned Presenting Officer holding for 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)
17.11.2016

17-11-16

vsm

[P.T.O.

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 : 17/11/16

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ M.D. Lonkar Sp. Counsel ~~Advocate for the Applicant~~

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

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

Adj. To..... 21/11/16.

17.11.2016

M.A 472/2016 in O.A No 932/2016 & M.A 473/2016 in O.A no 933/2016

The Collector, Palghar ...Applicants (Ori Respondents)

Vs

Shri D.L Dhodi
Shri R.P Mokashi ... Respondents (Ori Applicants)

Heard Shri M.D Lonkar, Special Counsel for the Applicants (Ori Respondents) and Shri C.T Chandratre, learned advocate for the Respondents (Ori applicants).

Learned Advocate Shri Lonkar stated that orders regarding revocation of suspension of the Respondents (Ori. Applicants) are likely to be issued by Monday, i.e. 21.11.2016. He, therefore, requested that the Misc Application recalling order of imposition of cost may be ~~issued.~~ allowed.

This issue will be decided after order is passed with regard to revocation of suspension.

S.O to 21.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

[P.T.O.

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

17.11.2016

O.A No 821/2016

Shri B.G Deshmukh ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri Kalpesh Patil, learned advocate for the applicant and Smt Kranti S. Gaikwad, 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: 17/11/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. Kalpesh patil

Advocate for the Applicant

Shri/Smt. : K. S. Gaikwad

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

DATE : 17/11/2016
CORAM : Shri R.B.Malik (M/J)
Hon'ble ~~Justice Shri A. H. Joshi (Chairman)~~
Hon'ble ~~Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri : A.D.Sonkawale ld. Adv.
holding for Mr. D.B.Khaire
Advocate for the Applicant,
Shri/Smt. : K.S. Gaikwad
C.P.O / P.O. for the Respondent/s
Adj. To. Admit liberty to mention.

O.A. No.257/2016

Shri S. B. Dube.....Applicant
V/s.
State of Mah. & Ors.....Respondent

Heard Shri A. D. Sonkawale, the learned Advocate holding for Shri D.B. Khaire, the learned Advocate for the applicant and Smt Kranti Gaikwad, the learned Presenting Officer for the Respondents.

The learned Advocate for the applicant informs that the applicant does not want to file rejoinder.

Admit, liberty to mention.

Sd/-

17-11-16

(R.B. Malik)
Member (J)
17.11.2016

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

O.A. No.934/2016

Shri B.M. Doke & Ors.....Applicants
V/s.
State of Mah. & Ors.....Respondent

Heard Shri B.A. Bandiwadekar, the learned Advocate for the applicants and Smt Archana B.K., the learned Presenting Officer for the Respondents.

Affidavit-in-reply of 2nd respondent is taken on record.

Shri B.A. Bandiwadekar, the learned Advocate informs that the applicant does not want to file rejoinder.

Admit, liberty to mention.

Sd/-

17-11-16

(R.B. Malik)
Member (J)
17.11.2016

vsm

DATE : 17/11/2016
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. : B.A. Bandiwadekar
Advocate for the Applicant
Shri /Smt. : Archana B.K.
C.P.O / P.O. for the Respondent/s
~~Adj. To.~~ Admit, liberty to mention.

[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.325/201 5

Shri D.B. Kalokhe.....Ap plicant
V/s.
State of Mah. & Ors.....Res ondent

Heard Shri C.T. Chandratre the learned Advocate for the Applicant and Ms N.G. Gohad, the learned Presenting Officer for the Respondents.

The learned Advocate for the applicant informs that the applicant does not want to file rejoinder.

~~The~~ Regard being had to the facts and circumstances ~~the~~ fixed date is being given.

The Original Application is admitted and it is directed that it should be placed before the Second Division Bench for final hearing to 2.12.2016.

In the meanwhile, the Government accommodation which the applicant is in possession of shall not be disturbed till further orders subject to paying the penal rent which he is now paying.

S.O. to 2.12.2016

Sd/-

17-11-16

(R.B. Malik)
Member (J)
17.11.2016

DATE: 17/11/2016
CORAM: Shri R.B. Malik
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Rameshkumar (Member)~~ A
APPEARANCE:
~~Shri/Smt.~~ C. T. Chandratre
Advocate for the Applicant
~~Shri/Smt.~~ : N. G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 2/12/16

(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 : 17/11/16
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. : S.P. Manchekar
Advocate for the Applicant
~~Shri~~ /Smt. : N.G. Gohad
C.P.O / P.O. for the Respondent/s

~~Adj. To~~ OA is disposed of.

O.A. No.397/2016

Shri S.N. Pawar.....Applicant
V/s.
State of Mah. & Ors.....Respondent

Heard Ms S.P. Manchekar, the learned Advocate for the applicant and Ms N.G. Gohad, the learned Presenting Officer holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Ms S.P. Manchekar, the learned Advocate makes a statement that the applicant has been given the order of appointment and posting on 17.6.2016 subject to his right to move for deemed date.

In my view, the Original Application can be disposed of. Original Application is accordingly disposed of granting liberty to the applicant to move for deemed date, if so, advised the respondents shall take appropriate action in accordance with rule. No order as to cost.

Sd/-

17-11-16

(R.B. Malik)
Member (J)
17.11.2016

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

O.A. No.969/2016

Shri S.N. Katakdhond.....Applicant
V/s.
State of Mah. & Ors.....Respondent

None for the Applicant. Heard Ms N.G. Gohad, the learned Presenting Officer for the Respondents.

Affidavit-in-reply only of Respondent no.2 has been filed, ~~only~~. The Origina Applicat on proceeds without the reply of other responden s.

Adjourned for rejoinder to the aff davit-in-reply of Respondent No.2.

S.O. to 8.12.2016.

Sd/-

(R.B. Malik)
Member (J)
17.11.2016

vsm

DATE: 17/11/16
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.: None for the appl.
Advocate for the Applicant
Shri/Smt.: N. G. Gohad
C.P.O / P.O. for the Respondent/s
Adj. To 8/12/16.

[PTO]

(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 : 17/11/16

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.~~ : K.B. Bhise

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

~~Adj. To~~ S.O. to 1/12/16.

17.11.2016

O.A No 892/2016

Shri R.N Gandhave ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

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

2 Issue notice before admission made returnable on 1.12.2016.

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 1.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

[P.T.O.

..... 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 : 17/11/16 CORAM : Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) ~~Hon'ble Shri R. B. MALIK (Member)~~ APPEARANCE : ~~Shri/Smt.~~ D. B. khaire Advocate for the Applicant ~~Shri/Smt.~~ : K. S. Gaikwad ~~C.P.O~~ P.O. for the Respondents ~~Adj. To~~ S.O. to 24/11/16	**17.11.2016** **O.A No 871/2016** Shri N.B Mundaware ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri D.B Khaire learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents. No reply has been filed. Last chance is given to the Respondents to file affidavit in reply. S.O to 24.11.2016. (Rajiv Agarwal) Vice-Chairman Akn

(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

17.11.2016

O.A Nos 1027 & 1028/2016

Shri V.B Kulkarni ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

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

2. Learned Presenting Officer on instructions from the Office Superintendent in the office of the Assistant Commissioner of State Excise, M.S, Mumbai states that the proposal to reinstate the Applicants are under consideration with the Respondent no. 2. She seeks two weeks time to file reply.

3. The affidavit in reply should contain the information regarding the officers in the office of the Commissioner, State Excise, who are responsible for transfer orders being passed after the death of Shri Sable and also order dated 17.10.2016 stopping increments of a person who has already died in the year 2013. The issue regarding how the Applicant is to be compensated may also be covered in the affidavit.

4. Issue notice before admission made returnable on 1.12.2016.

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

6. 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

[P.T.O.

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

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

7. 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.

8. 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.

9. S.O 1.12.2016. Hamdast.

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 17/11/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri/Smt.~~ K. R. Jagdale
Advocate for the Applicant
~~Shri/Smt.~~ : K. S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents

~~Adj. To~~ S.O. to 1/12/16
Hamdast

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

O.A.No.483, 484, 485 & 486/2015

Ms. Sneha S. Pradhan & 3 Ors .....Applicants

V/s.

State of Maharashtra & Ors .....Respondents

Heard Shri G. Sadavarte, the learned Advocate for the applicants and Smt. Kranti Gaikwad, the learned Presenting Officer for the respondents.

The arguments of Shri G. Sadavarte, the learned Advocate has commenced and these Original Applications have become Part-Heard. This infact is a second round of litigation for this fasiculous of four Original Applications. The bench of the then Hon'ble Chairman deciding the O.A. No.315/2012 in the case of Ms. Snehal Pradhan V/s. Chief Secretary, State of Maharashtra, dated 22.2.2013 has given binding directions to the respondent no.4, Bombay Suburban District Mumbai, Bombay therein. The judgment of the Hon'ble Supreme Court in **Secretary, State of Karnataka and Ors V/s. Uma Devi & Ors (2006) 4 SCC 1 para 53** was considered alongwith the judgment in the matter of **State of Karnataka & Ors V/s. M.L. Kesari & Ors (2010)9 SCC 247 para 7 and 11** from Kesari case was reproduced. The directions were given to the respondents to consider the case of the applicant for regularization to the post of Clerk within a period of 4 months from receipt of the said order. It is, therefore, very clear that even as the mandate of this directions itself is binding on the respondents, as a matter of fact the binding nature thereof gets further fortified by the fact that the order itself was based on two judgments of the Hon'ble Supreme Court and, therefore, all concerned including the respondent are really required to implement the mandate of Supreme Court. This second round of litigation has been started for all practical purposes because earlier mandate of this Tribunal has not been complied with so far.

We make it very clear that in as much as the course of action that this group of original applications is must chart through us mandate by the law laid by the Hon'ble Supreme Court. The respondents had better complied with the requirement and it is still not too late to comply with the order in Sneha Pradha (Supra). We make it clear that in spite of crystal clear position if the Original Applications are required to be fully heard and decided the possibility of initiating suo-motu contempt proceeding and imposition of prohibitive cost will be an option clearly open to us. After all nobody can trifle with the order of Hon'ble Supreme Court as nobody is higher than that Court.

The learned P.O. may convey this order to the respondents and more particularly to Collector, Bombay Suburban District Mumbai, so that appropriate statement would made on his behalf.

Original Applications shall be finally heard on the next date. Hamdast.

S.O. to 23.11.2016.

Sd/- Sd/-

(R.B. Malik)
Member (J)
16.11.2016

(Rajiv Agarwal)
Vice-Chairman
16.11.2016

DATE: 17/11/16

CORAM:

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

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

APPEARANCE:

Shri/~~Smt.~~ G. Sadavarte

Advocate for the Applicant

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

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

~~Adj. To~~ S.O. to 23/11/16.

Hamdast.

PH

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: 17/11/16

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.~~ Ms. N.G. Gohad

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

Adj. To 21/11/16.

Liberty to mention is granted.

with

<MA 455/16>

O.A.No.245/2016

Shri Naresh A. Polani ... 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 Presenting Officer for the Respondents.

We have perused the order made by one of us (R.B. Malik, Member (J)) on 09.06.2016. The Original Application itself will have to be heard in the absence of reply and, therefore, ~~for~~ at the present it is not necessary to hear the Misc. Application and the same is for the present tagged along with the O.A..

Original Application stands adjourned to 21.11.2016. Liberty to mention is granted.

Sd/- Sd/-

(R.B. MALIK)
MEMBER (J)
17.11.2016

(RAJIV AGARWAL)
VICE-CHAIRMAN
17.11.2016

(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 : 17/11/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member)~~ A APPEARANCE : ~~Shri~~/Smt. : B.A. Bandiwadekar Advocate for the Applicant ~~Shri~~/Smt. : K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 18/11/16. BPK	**Date : 17.11.2016.** **O.A.No.1056 of 2015** **A.A. Jagdale ...Applicant** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. At the request of learned P.O. Smt. K.S. Gaikwad for the Respondents adjourned to 18.11.2016. Sd/- **(A.H. Joshi, J.)** **Chairman** prk

(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 : 17/11/16 CORAM : Shri R.B. Malik (mb) Hon'ble ~~Justice Shri A. H. Joshi (Chairman)~~ ~~Hon'ble Shri M. Rameshkumar (Member)~~ A 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..... 18/11/16. 17/11	**Date : 17.11.2016.** **C.A.No.69 of 2016 in O.A.No.254 of 2015** **S.T. Mete ...Applicant** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. Learned P.O. Smt. K.S. Gaikwad for the Respondents states as follows :- (a) Shri Ashish Kumar, Principal Secretary, Public Works Department, Mantralaya is present. (b) He has tendered the copy of circular issued by the Govenment as regards modalities to be adopted after the receipt of notice / order of the Tribunal. 3. The copy of circular is taken on record. Adjourned to tomorrow i.e. 18.11.2016. Tomorrow, Shri Ashish Kumar, Principal Secretary need not remain present. Sd/- **(A.H. Joshi, J.)** **Chairman** prk

(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 : 12/11/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member)~~ A APPEARANCE : ~~Shri/Smt.~~ : B.A. Bandiwadekar Advocate for the Applicant ~~Shri/Smt.~~ : Archana B.K. C.P.O / P.O. for the Respondent/s Adj. To 18/11/16.	**Date : 17.11.2016.** **C.A.No.155 of 2014 in O.A.No.107 of 2014** **P.R. Phulpagar ...Applicant** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents. 2. At the request of learned P.O. Smt. Archana B.K. for the Respondents adjourned to 18.11.2016. Sd/- **(A.H. Joshi, J.)** **Chairman** prk

[P.T.O.

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 : 17/11/16

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ : V.B.Wagh

Advocate for the Applicant

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

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

Adj. To 24/11/16.

Date : 17.11.2016.

M.A.No.104 of 2016 in C.A.No.16 of 2016 in O.A.No.78 of 2014 (Aurangabad) (M.A.No.419 of 2015 in C.P. Stamp No.1572 of 2015) with M.A.No.105 of 2016 in O.A.No.78 of 2014 (Aurangabad)

The Bhujal Abhiyanta Sanghtana Maharashtra Rajya.
...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

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

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents states that affidavit affirmed by Respondent No.1 is ready. However, she states that she is not satisfied with the text of the affidavit and would like to have it redrafted.

3. Contemnor No.1 is also present and he states that he will have the affidavit re-drafted and file it on next date and prays to adjourn the hearing to 24.11.2016.

4. Accepting the request of learned P.O. Smt. K.S. Gaikwad and Respondent No.1, adjourned to 24.11.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 17/11/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakumar (Member) A APPEARANCE : Shri/Smt. R. M. Kolge Advocate for the Applicant Shri/Smt. K. B. Bhise C.P.O / P.O. for the Respondent/s Adj. To 18/11/16	**Date : 17.11.2016.** **O.A.No.980 of 2015 with O.A.No.981 of 2015** **G.P. Patil (O.A.No.980/2015)** **M.B. Patil (O.A.No.981/2015) ...Applicants** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. Heard Shri R.M. Kolge, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 2. At the request of learned P.O. Shri K.B. Bhise for the Respondents adjourned to 18.11.2016. Sd/- (A.H. Joshi, J) Chairman prk

[P.T.O.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

O.A.No.326 of 2016 with M.A.No.215 of 2016 with O.A.No.611 of 2016

Dr. Y.M. Kokadwar ...Applicant.

Vs.

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

Ms. S.P. Manchekar, the learned Advocate for the Applicant.

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

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 17.11.2016

ORDER

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents states that she has received instructions to state that process of withdrawing the impugned transfer would be initiated and the proposal for cancellation of the impugned order is being put up. Be it as it may.

3. Learned Advocate Ms. S.P. Manchekar for the Applicant points out that the letter requesting that the Applicant be transferred, which is dated 21.04.2016, contains a statement that Applicant was found guilty towards misconduct, though in fact Applicant was exonerated, and report of enquiry barely contained a suggestion worded as a caution.

4. This Tribunal has perused the documents. This Tribunal is shocked on perusal of letter dated 21.04.2016 written by the Additional Director General of Police (Prison), Mumbai. This Tribunal would like to know from the same Officer who has signed the letter dated 21.04.2016 viz. Shri Bipin Kumar Singh as to what is source of text narrated in his letter about Applicant's proved misconduct.

5. Therefore, Shri Bipin Kumar Singh, Additional Director General of Police (Prison), Mumbai as he was holding the post at relevant time, is directed to remain present personally and explain as to on what foundation he has incorporated the text in letter at un-numbered paragraph, at paragraph no.3 of his letter dated 21.04.2016, stating that the applicant was found guilty.

6. Learned P.O. Smt. K.S. Gaikwad further states that the Government is preparing.

7. At the request of learned P.O. adjourned to 22.11.2016.

8. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.

Sd/-

(A.H. Joshi, J.)
Chairman

prk