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

Date : 18.03.2016

M.A.No.117 of 2016 in O.A.No.1124 of 2015

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

2. This is a Misc. Application for amendment to the O.A. seeking to amplify the plea already raised and incorporate additional prayer clause.

3. At the out set I note that the learned P.O. sought time for filing affidavit-in-reply to this M.A. I did not acceed to that request simply because affidavit-in-reply to the main O.A. has not been filed and therefore if this amendment is incorporated in the O.A. the Respondents will get opportunity to file affidavit-in-reply to the O.A. post amendement. No prejudice will be caused to them. Even otherwise merely by allowing additional facts to be impleaded no rights can be created or extinguished.

4. M.A. is therefore allowed. The amendment as per the prayer hereto be effected within one week from today. A copy of the O.A. post amendment be filed and copy be furnished to the learned P.O. and served to the Respondents as per rules. No order as to costs. The O.A. post amendment stands adjourned for affidavit-in-reply to 6.4.2016.

Sd/-

(R.B. Malik)
Member (J)

DATE: 18/3/16
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt. A.A. Desai
Advocate for the Applicant
Shri/Smt. N.K. Rajpurohit
C.P.O./P.O. for the Respondents

~~Adj. to~~ M.A. is allowed
O.A. Adj. to 6/4/16.

Sba

(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 : 18.03.2016

O.A.No.650 of 2015

1 Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned P.O. holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Shri K.B. Bhise, the learned P.O. for the Respondents prays for an adjournment to file affidavit-in-reply. The orders dated 12.02.2016 and 26.2.2016 may be perused. Nothing therefore needs to be mentioned.

3. The matter be placed before the appropriate Division Bench for hearing on 1.04.2016.

Sd/-

(R.B. Malik)
Member (J)

Sba

DATE : 18/3/16
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE :
~~Shri/Smt.~~ M.D. Lonkar
Advocate for the Applicant
Shri /Smt. : K.B. Bhise holding for Mr. N.K. Rajpurohit
C.P.O./P.O. for the Respondents

Adj to : 1/4/16.
The matter please be before the appropriate D.B.

Date : 18.03.2016

O.A.No.277 of 2016

1 Heard Smt. Lata Patne, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Issue notice hereof returnable on 04.04.2016.

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

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

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

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

7. Liberty to seek interim relief is reserved.

8. S.O. to 4.4.2016.

Sd/-

18.03.16

(R.B. Malik)
Member (J)

Sba

DATE : 18/3/16
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri~~/Smt. : Lata Patne
Advocate for the Applicant
~~Shri~~/Smt. : N.K. Rajpurohit
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ : S.O. to 4/4/16.

Date : 18.03.2016

O.A.No.276 of 2016

1 Heard Smt. Lata Patne, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Issue notice hereof returnable on 04.04.2016.

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

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

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

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

7. Liberty to seek interim relief is reserved.

8. S.O. to 4.4.2016.

Sd/-

18/3/16

(R.B. Malik)
Member (J)

Sba

DATE : 18/3/16
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.K. Rajpurohit
C.P.O. for the Respondents

~~A.~~ S.O. to 4/4/16.

(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

M.A. No.22 of 2014 in O.A. No.39 of 2014

Heard Shri Manoj G. Sawardekar, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. This is an application for condonation of delay in bringing the OA. The applicants are what can be described as temporary employees called in the common parlance "अंशःकालीन कर्मचारी". An advertisement for the post in the cadre of Talathi came to be published. The applicants ultimately having been aggrieved thereby and on account of an advice given to them at Sangli instituted Regular Civil Suit No.107 of 2010 (Yallubai Ramchandra Jhanvekar & 10 Ors. Versus State of Maharashtra). By order dated 25.6.2012 the Ld. Civil Judge, Senior Division, Sangli ordered return of plaint for proper presentation and thereafter on 9.1.2014 the present OA was lodged in the office of this Tribunal. There is a delay of about 7 months or so.

3. The respondents have by affidavit in reply contested this MA. I have heard the rival submissions. The fact that the applicants are drawn from a vulnerable strata of the society is quite clear without meaning any disrespect at all to their advisor the fact that they went to the Civil Court even for a service dispute has its own tale to tell. They have in their own way attributed their plight to the time consumed in arranging for the funds etc. nothing to

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
Date: 18/3/16 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: Shri/Smt. M.G. Sreesardekar Advocate for the Applicant Shri/Smt. M.G. Gohad ~~C.P.O~~/P.O. for the Respondents ~~Adj. to~~ M.A. is allowed. O.A. Place before appropriate bench as per order.	doubt the truism of their stand. Although Miss Gohad, Ld. PO strongly opposed this MA in my opinion aware as I am of the legal position obtaining as a result of perusal of a large number of binding judgments in this field it will be at the expense of justice that such an application would be dismissed. As a matter of fact the Sangli based applicants earlier also suffered dismissal of their MAs which aspect of the matter was duly addressed by this Tribunal by restoring them. I am, therefore, so disposed as to uphold this MA. The delay is condoned. The MA is allowed. The applicants and the office of this Tribunal may now proceed the matter further so as to bring this matter for hearing before appropriate bench. No order as to costs. Sd/- (R.B. Malik) 18.3.16 Member (J) 18.3.2016 (sgj)