versus

The State of Maharashtra and others

..... Respondent/s

.....)

emoranda of Corum, unal's orders or gistrar's orders	Tribunal's orders
	18.08.2016

O.A No 838/2015

Dr A.E Gawali ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri S.S Dere, holding for Shri Gunratan Sadavarte, learned advocate for the Applicant and Shri M.D Lonkar, Special Counsel with Shri A.J Chogule, leanred Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 26.8.2016.

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 26.8.2016.

Sd/-
(R.B. Malik)
Member (J)

Sd/-
(Rajiv Agarwal)
Vice-Chairman

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GARWAL
Chairman)
(Member) J

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ndents
h A.J. Chogule
26/8/16

P.T.O.

O.A.852/2016

Shri A.R. Devale ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

Having perused the record and proceedings, particularly the answer to the question as to whether the Applicant wanted to plead guilty as a whole, I am of the opinion that the original record and proceedings will have to be produced. In view of the urgency, I direct that the original record be produced for my perusal tomorrow i.e. 19.8.2016.

Issue notice returnable on 19.08.2016.

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 19th August, 2016. The learned P.O. do waive service.

Sd/-

(R.B. Malik)
Member (J)
18.08.2016

(skw)

M.A.262/2016 in O.A.632/2016

Shri S.D. Malwade & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri P.G. Rodge, the learned Advocate for the Applicants and Mrs. S. Suryawanshi, the learned 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)
18.08.2016

(skw)

O.A.276 & 277/2016

Ms. K.R. Dhumal & Anr. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Smt. Lata Patne, the learned Advocate for the Applicants and Mrs. S. Suryawanshi, the learned Presenting Officer for the Respondents.

Affidavit-in-rejoinder taken on record. Admit. To come up in due course. Liberty to mention granted.

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.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. 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.

Sur-rejoinder, if any, must be filed on the next date and not thereafter wards.

Sd/-

(R.B. Malik)
Member (J)
18.08.2016

(skw)

O.A.632/2016

Shri S.D. Malwade & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri P.G. Rodge, the learned Advocate for the Applicants and Mrs. S. Suryawanshi, the learned Presenting Officer for the Respondents.

Issue notice returnable on 16.09.2016.

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 16th September, 2016. The learned P.O. do waive service.

Sd/-
(R.B. Malik)
Member (J)
18.08.2016

(skw)

O.A.243/2016

Shri S.V. Shelar ... Applicant
Vs.
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.

The arguments of Mr. Bandiwadekar are just about to conclude. It appears that the compliance with Section 7 of the Transfer Act in relation to Group 'D' employees such as the Applicant herein, as is reflected in the Notification at Page 51 does not indicate the competent authority for Group 'C' and Group 'D' employees. It is a matter of some significance, Ms. Gohad, the learned P.O. submits that this particular Notification annexed to the Affidavit-in-reply is wrong, and therefore, on instructions from Shri Suryawanshi working in the Office of Superintendent of Police, Pune submits that a correct Notification shall be produced before the Bench on the next date. I must repeat that this is something that would go into the root of the matter, and therefore, the so called correct Notification must be produced on the next date and in case, no such Notification is there, then such a fact should be stated on an Affidavit which should be filed on the next date itself.

S.O. to 25th August, 2016. Hamdast.

Sd/-

(R.B. Malik)
Member (J)
18.08.2016

(skw)

O.A.605/2016

Shri A.A. Tambe ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Affidavit-in-rejoinder taken on record. Admit. To come up in due course. Liberty to mention granted.

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.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. 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.

Sur-rejoinder, if any, must be filed on the next date and not thereafter wards.

Sd/-
(R.B. Malik)
Member (J)
18.08.2016

(skw)

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

Tribunal's orders

C.A. No.55 of 2016 in O.A. No.930 of 2014

Smt. S.A. Joshi ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Miss Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. It is demonstrated that copy of order was served and disobedience was brought to the notice of the contemnor, still order is not complied.

3. Notice for action of contempt was served in May, 2016. In spite of filing of present CA for action and service of notice therein compliance is not done.

4. Today compliance is being reported.

5. Any explanation for delay and any extenuating circumstances accompanies by apology have not come forward. Hence, prima facie the applicant has made out a case for contempt.

6. However, the fact that contempt had occurred cannot be ignored.

7. Adjourned to 19.8.2016 for passing orders.

Sd/-
(A.H. Joshi, J.)
Chairman
18.8.2016

(sgj)

DATE : 18/8/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri ... (Member) A~~
APPEARANCE :
Shri A.V. Bandiwadekar
Advocate for the Applicant
Shri N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 19/8/16

(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 : 18/8/16 Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakrishnan (Member) A Shri/Smt. Punam Mahajan Counsel for the Applicant/s Shri/Smt. Archana B.K. Counsel for the Respondent/s C.A.V. To 30/8/16.	**Date : 18.08.2016.** **O.A.No.837 of 2016 with M.A.No.321 of 2016** **The Association of the Subordinate Service of Engineers Maharashtra State & Ors.** **.... Applicants.** **Versus** **The State of Maharashtra & Ors.** **....Respondents.** 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents. 2. Learned Advocate Smt. Punam Mahajan for the Applicants prays for a week's time to study as to the manner in which the "res-judicata" or "constructive res-judicata" or the "judgment in rem" has to be pleaded. 3. Time as prayed for is granted. 4. S.O. to 30.08.2016. Sd/- **(A.H. Joshi, J)** **Chairman** prk

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

O.A. No.801 of 2016

Shri T.N. Munde ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO has tendered two affidavits. First answering the OA and another in answer to certain queries put to Shri Iqbal Singh Chahal, Principal Secretary, Water Resources Department. Both are taken on record.

3. Shri Iqbal Singh Chahal, Principal Secretary has appeared and assured that due care will be taken while filing affidavit.

4. Ld. PO requests that order of injunction against the state for keeping vacancy of the post formerly occupied by the applicant be modified and let the Govt. fill in the said vacancy, which act of the Government will be subject to outcome of this OA.

5. If the respondent is permitted to fill in the post which was formerly occupied by the applicant it shall in no way prejudice the applicant. To protect applicant's interest it shall suffice if the appointee is informed that his posting shall be subject to outcome of this OA. Hence, order is passed accordingly and state is permitted to fill in the vacancy which has occurred to applicant's impugned transfer, and the person appointed to fill in said vacancy be informed that his posting is subject to outcome of present OA.

6. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.

7. S.O. to 25.8.2016.

Sd/-

(A.H. Joshi, J.)

Chairman

18.8.2016

(sgj)

DATE: 18/8/2016

CORAM:

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

Hon'ble Shri M. Ramesh Kumar (Member) A

APPEARANCE:

Punam Mahajan

K.S. Gaikwad

S.O. To 25/8/2016

(sgj)

Office Notes. Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.380 of 2016

Smt. S.R. Doijad & Anr. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Shri Jagdale, Ld. Advocate for the applicants prays for fresh notice and enlargement of time.

3. Issue fresh notice returnable on 7.10.2016.

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

5. 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.

6. 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.

7. 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.

Sd/-
(A.H. Joshi, J)
Chairman
18.8.2016

(sgj)

DATE : 18/8/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramachandran (Member) A~~
APPEARANCE :
Shri/Smt. : K.R. Jagdale
Advocate for Applicant
Shri/Smt. : K.S. Gaikwad
CPO for the Respondent/s
O.A. To 7/10/2016

(G.C.P.) J 2260 (A) (50,000—2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicants

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

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

18.08.2016

O.A No 1026/2015

Shri S.B Mali ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

Affidavit in reply has been filed on behalf of Respondent no. 3. Original Application is admitted. In case the Respondents want to file any reply, they may do so, at least two days before next day and give advance copy to the learned advocate.

Matter is placed for final hearing on 1.9.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 18/8/16
CORAM :
Hon'ble Shri RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri (Member)~~
ADV.
Shri M.D. Lonkar
Advocate for Applicant
~~Shri~~ Archana B.K.
~~C.P.O.~~ P.O. for the Respondents
~~Adj. for~~ O.A. is admitted.
S.O. to 1/9/16.

FH

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

..... Applicants

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

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

DATE : 18/8/16

CORAM :

Hon'ble Shri RAJIV AGARWAL (Vice-Chairman)

~~Hon'ble ..... (Member)~~

APPEARANCE :

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

Advocate for the applicant

~~Shri/Smt.~~ : Archana B.K.

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

~~Adj. To~~ O.A. is admitted.

S.O. to 8/9/16.

FH

18.08.2016

O.A No 1046/2015

Shri A.D Bankar ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

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

Affidavit in reply has been filed. Learned Advocate Shri Jagdale states that he does not want to file rejoinder.

O.A is admitted. Place for final hearing on 8.9.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

PTO

(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

..... Applicants

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 18/8/16 CORAM : Hon'ble Shri RAJIV AGARWAL (Vice-Chairman) ~~Hon'ble Shri A.P. Kurhekar (Member)~~ AP : Shri/Smt. M.D. Lonkar Advocate for Applicant ~~Shri/Smt.~~ Smt. Archana B.K. ~~C.P.O.~~ P.O. for the Respondents ~~Adj. to~~ O.A. is admitted. 8.0.to 1/9/16.	**18.08.2016** **O.A No 1084/2015** Shri A.V Khadtare ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents. Affidavit in reply has already been filed. Learned Advocate Shri Lonkar states that he does not want to file rejoinder. O.A is admitted. Place for final hearing on 1.9.2016. Sd/- (Rajiv Agarwal) Vice-Chairman Akn

PTO

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicants

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

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

18.08.2016

M.A 323/2016 in O.A No 970/2014

Dr V.D Shinde ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 1.9.2016.

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 1.9.2016.

Sd/- Sd/-

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

Akn

DATE: 18/8/16
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. Savita Suryavanshi
C.P.O. for the Respondents
Adj. To S.O. to 1/9/16.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.As. No.312, 313 & 406 of 2016

Shri R.A. Kulkarni (OA.312/16)
Shri P.B. Avhad (OA.313/16)
Shri S.K. Sawant (OA.406/16) ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicants in OAs.312 & 313/16, Shri A.A. Ghante, learned Advocate for Applicant in OA.406/16 and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. PO states that steps which are imperative before number of additional candidates are to be called are in process.

3. Ld. PO is directed to secure information about specific time span needed for this process and make statement on next date.

4. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.

5. S.O. to 22.8.2016.

Sd/-
(A.H. Joshi, J.)
Chairman
18.8.2016

(sgj)

DATE : 18/8/2016
CORAM :
Hon'ble [illegible] (Chairman)
Hon'ble [illegible] (Member) A
APPE...
Shri/Smt. Punam Mahajan with shri. A.A. Ghante
Advocate ...
Shri/Smt. A.J. Chougule
C.P.O / P.O. for the Respondents

Adj. To 22/8/2016

(G.C.P.) J 2260(B) (50,000—2-2015) [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

C.A. No.67 of 2016 in O.A. No.676 of 2016

Shri P.K. Dhokane ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Shri Bandiwadekar, Ld. Advocate states that applicant, who is present, desires not to proceed with this CA.

3. After considering the matter and request of the applicant, it is considered that it is not necessary to proceed with the CA.

4. CA is disposed off accordingly

Sdf

(A.H. Joshi, J.)
Chairman
18.8.2016

(sgj)

DATE: 18/8/16

(Chairman)

A.V. Bandiwadekar

K.S. Gaikwad

Adj. To. CA disposed off accordingly.

(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 : 18.08.2016.

O.A.No.469 of 2015 with O.A.No.470 of 2015 with O.A.No.471 of 2015

P.K. Khandale (O.A.No.469/2015)
A.R. Ghume (O.A.No.470/2015)
S.D. Mane (O.A.No.471/2015) **.... Applicants.**

Versus

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

1. Heard Shri R.M. Kolge, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned Advocate Shri R.M. Kolge for the Applicants states as follows :-

(a) O.A. was substituted.

(b) The substituted O.A. was served on the Respondents and he does not have acknowledgement to show as to when the O.A. was served on the Respondents.

3. Learned P.O. Smt. Archana B.K. for the Respondents states that she has received instructions to pray for time.

4. Time as prayed for is granted.

5. Adjourned to 03.10.2016 by way of last chance.

Sd/-

(A.H. Joshi, J)
Chairman

DATE : 18/8/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Manoharan (Member)A
Shri/Smt. R.M. Kolge
Learned Advocate for the Applicant
Shri/Smt. Archana B.K.
Learned P.O. for the Respondent/s

Adj. To 3/10/16 by way of last chance

BT

prk

[P.T.O.

(G.C.P.) J 2260(B) (50,000--2-2015) [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.902 of 2015

Shri N.G. Kondhalkar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri A.D. Sonkawade, learned Advocate holding for Shri D.B. Khaire, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Ld. PO has tendered affidavit in reply filed by respondents no.1 and 3. Both are taken on record.

3. Shri Sonkawade, Ld. Advocate prays for time to consider the reply and make submissions on the next date.

4. S.O. to 7.10.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
18.8.2016

(sgj)

DATE: 18/8/2016

CORAM:

Hon'ble [illegible] Joshi (Chairman)

Hon'ble [illegible] (Member) A

APPEA[illegible]

Shri/Sm[illegible] A.D. Sonkawade holding for shri. D.B. Khaire

Advocate [illegible]

Shri/Smt. K.S. Gaikwad

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

Adj. To 7/10/2016

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

18.08.2016

Suo Moto C.A no 1/2016 in O.A No 586/2016

Dr S.S Chappalwar ... Applicant
Vs.
Smt Sujata Sounik, Secretary, P.H.C and one another ... Respondents

Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

The matter has been assigned to this bench by order dated 12.8.2016 passed by the Hon. Chairman. The same is perused.

Issue summons to the alleged Contemnors returnable on 24.8.2016.

Sd/- 18/8/16
(R.B. Malik)
Member (J)

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 18/8/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)
Hon'ble ~~Shri~~ R.B. MALIK (Member) J
APPEARANCE:
~~Shri/Smt.~~ A.V. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ Ms. Savita Suryavanshi
~~C.P.O~~ P.O. for the Respondents
~~Adj. To:~~ S.O. to 24/8/16.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

CONTEMPT APPLICATION NO.58 OF 2016

IN

ORIGINAL APPLICATION NO.422 OF 2014

Shri Sharad B. Pawaskar ..Applicant

Versus

The State of Maharashtra & Ors. ..Respondents

Shri B.A. Bandiwadekar – Advocate for the Applicant

Shri A.J. Chougule – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 18th August, 2016

ORDER

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Ld. PO was called to explain:

(i) Whether the decision allegedly taken pursuant to the order passed in CA was communicated to the applicant.

(ii) If not, the reasons thereto.

(iii) Whether the notice for action for contempt issued by the applicant, copy whereof is at page 118 was received, and if

yes, on what date and what are the reasons for failure to reply it.

(iv) Why the averments in para 16 of CA have not been appropriately replied.

3. Learned PO states that he relies on the affidavit of Shri Mukesh Dharampal Khullar, Principal Secretary (Services) the contemnor no.1.

4. Affidavit filed by Shri Mukesh Dharampal Khullar, Principal Secretary (Services), GAD, Mantralaya, Mumbai, is totally silent on the points on which information was sought from the PO. Ld. PO further states that the affidavit has been drafted without consulting the Ld. PO. Perusal of affidavit reveals that it is drafted in a highly unprofessional way.

5. Learned PO was called to state as to whether contemnor no.1 can come and explain the lapses and neglect to crucial pleadings while answering the OA.

6. Ld. PO on instructions from Shri Gajanan Gurav, Under Secretary, GAD states that today at this moment at 1.00 p.m. that Shri Mukesh Dharampal Khullar, Principal Secretary (Services) is actually engaged in a meeting with the Chief Secretary, Government of Maharashtra.

7. Ld. PO is called to state as to whether Shri Mukesh Dharampal Khullar, Principal Secretary (Services) would personally appear and explain the lapse on his part.

8. Ld. PO states that he is not able to make any commitment.

9. In the background of recklessness in handling the matter which could have been avoided, this Tribunal is curious to know whether Shri Mukesh Dharampal Khullar, Principal Secretary (Services) would personally appear and explain the matter.

10. It prima facie appears that irrespective as to whether the contempt proceedings succeeds or not, the contemnor may be liable to payment of cost, due to negligence and dragging the applicant to file present OA which could have been avoided had proper and timely attention been paid to the matter.

11. S.O. to 22.8.2016.

12. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.

Sd/-

(A.H. Joshi, J.)
Chairman
18.8.2016

Dictation taken by: S.G. Jawalkar.

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THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.984 OF 2015 WITH

ORIGINAL APPLICATION NO.1021 OF 2015 WITH

ORIGINAL APPLICATION NO.1061 OF 2015

S.A. Sarwade (O.A.No.984/2015)
G.B. Shinde (O.A.No.1021/2015)
K.R. Kumbhar (O.A.No.1061/2015) **.... Applicants.**

Versus

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

Shri B.A. Bandiwadekar, the learned Advocate for the Applicants.

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

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 18.08.2016.

ORDER

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. This case was on the board of 16.08.2016. By order passed on that date learned P.O. for the Respondents was called to secure instructions and make statement as to the date on which the meeting of the Committee would be called.

3. Today learned P.O. Smt. K.S. Gaikwad for the Respondents states as follows :-

Oral instructions are received from the officers of Home Department who have arrived, namely Shri S.D. Shinde, Desk Officer, Home Department and Shri Mangesh Hemale, A.S.O., Home Department, that the meeting is scheduled on 06.09.2016, when the case of the applicant would be examined.

4. The Registrar has placed before this Tribunal the communication received from the District Magistrate/ Collector Pune informing that he has authorized the Additional Superintendent of Police to represent him in present O.A.

4. An officer holding the post and the rank of the Collector needs to understand that he is not suppose to indulge in the exercise of writing letter in pending case to Court or Tribunal in personally name or otherwise and even officially. He is rather supposed to report through learned P.O. or if wisdom demands even by personal appearance.

5. Further it has to be recorded, that it cannot be believed that the Additional Superintendent of Police would be entitled to fix the Collector's schedule or fix the meeting of which the Collector is the Chairman. The attitude expressed in the communication deserves to be deprecated.

6. Learned P.O. is called to secure instructions as to whether Shri Saurabh Rao, Collector, Pune wants to maintain his stance or wants to suitably express his views about the manner in which he has written the letter.

7. At this stage learned P.O. prays for time to send a copy of order to the Collector, Pune and know what stance he would take.

8. If proper amendments are not made, appropriate order including costs may have to be saddled on Shri Saurabh Rao, Collector, Pune to be paid him personally.

10. Learned P.O. is directed to communicate this order to Collector Pune by sending a letter in his own name in order that it would not lose his attention.

11. Steno copy and Hamdast is allowed to learned P.O..

12. S.O. to 21.09.2016.

(A.H. Joshi, J.)
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.582 OF 2016

DISTRICT : NASHIK

G.R. Gujrathi **.... Applicant.**

Versus

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

Shri R.M. Kolge, the learned Advocate for the Applicant

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents No.1 & 2.

Shri A.V. Bandiwadekar, the learned Advocate for Respondent No.3.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 18.08.2016.

ORDER

1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant, Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents No.1 & 2 and Shri A.V. Bandiwadekar, the learned Advocate for Respondent No.3.

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents prays for time.

3. Learned P.O. Smt. K.S. Gaikwad for the Respondents was called to state as to whether any instructions are received.

4. Learned P.O. has checked the brief and stated that instructions are still awaited.

5. Learned P.O. was called to furnish the names of the incumbent holding the post of Secretary, Public Health Department (Respondent No.1) and the Director of Health Services (Respondent No.2).

6. The names are furnished which are as follows.

Respondent No.1 : Smt. Sujata Saunik, Public Health Department.

Respondent No.2 : Dr. Mohan Jadhav, Director of Health Services.

Smt. Sujata Saunik, Public Health Department and Dr. Mohan Jadhav, Director of Health Services are directed to file their own affidavits on the following points :-

(a) Whether their office has received notice / intimation of date of hearing from this Tribunal or the learned Advocate for the Applicant or from the office of Chief Presenting Officer or from this Tribunal ?

(b) The date on which the office has brought to his notice the service of notice and pendency of present Original Application.

(c) What steps have they has taken for defending that O.A. after he came to know about the pendency of the O.A., and date of hearing ?

(d) Reasons due to which someone from the office of Respondents No.1 and 2 have failed to attend to this O.A. and learned P.O. is not duly instructed?

(e) What steps and measures he would take to ensure that the intimation about the O.A. received from the learned Advocate / learned P.O. and / or this Tribunal do not remain unattended and arrangements to attend to the case is done only after full application of mind ?

(f) Show cause as to why incumbent holding the post of Respondents No.1, 2 should not be personally saddled with costs for failing to attend and failing to file reply in spite of grant of adequate time.

Learned Advocate for Shri A.V. Bandiwadekar for Respondent No.3 has tendered the affidavit. It is taken on record.

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

S.O. to 03.10.2016.

(A.H. Joshi, J.)
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.662 OF 2016

D.L. Rane .... **Applicant.**

Versus

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

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

Smt. Archana B.K., the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 18.08.2016.

ORDER

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. On perusal it is found that the office endorsement regarding service is as follows:-

"R.No.1 to 3 not served."

(Quoted from farad sheet of O.A.)

3. It is seen that such vague remark is given in spite of eloquent standing direction given by this Tribunal that service report has to be exhaustive, and in the format which is suggested.

4. The Registrar is directed to enquiry the reasons leading to such incomplete report, and take suitable action against the officer or officers concerned.

Action which the Registrar would take be reported to the Chairman soon it is taken.

5. Learned Advocate for the Applicant states that service of Tribunal's notice was affected on all respondents on 7.7.2016 itself by hand delivery.

6. Learned P.O. for the Respondents was called to state whether instructions are received. Learned P.O. states that instructions are still awaited.

Learned P.O. was called to furnish the names of the incumbent holding the following posts :-

(a) The Commissioner of Police for Greater Mumbai.
(b) The Additional Police Commissioner, Armed Police Force, Naigaon
(c) The Deputy Commissioner of Police, Armed Police, L. Division 1, Naigaon, Mumbai.

The names are furnished which are as follows :-

(a) Respondent No.1 : Shri Datta Palsalgikar, the Commissioner of Police for Greater Mumbai.

(b) Respondent No.2 : Smt. Ashwati Dorje, the Additional Police Commissioner, Armed Police Force, Naigaon, Mumbai.

(c) Respondent No.3 : Shri N.K. Bhosale, the Deputy Commissioner of Police, Armed Police, L. Division 1, Naigaon, Mumbai.

9. Shri Datta Palsalgikar, the Commissioner of Police for Greater Mumbai, Smt. Ashwati Dorje, the Additional Police Commissioner, Armed Police Force, Naigaon, Mumbai and Shri N.K. Bhosale, the Deputy Commissioner of Police, Armed Police, L. Division 1, Naigaon, Mumbai are directed to file their own affidavits and not of any subordinates on the following points :-

(a) Whether their office has received notice / intimation of date of hearing from this Tribunal or the learned Advocate for the Applicant or from the office of Chief Presenting Officer or from this Tribunal ?

(b) The date on which the office has brought to his notice the service of notice and pendency of present Original Application.

(c) What steps have they has taken for defending that O.A. after he came to know about the pendency of the O.A., and date of hearing ?

(d) Reasons due to which someone from the office of Respondents No.1, 2 and 3 respectively has failed to attend to this O.A. and learned P.O. is not duly instructed ?

(e) What steps and measures he would take to ensure that the intimation about the O.A. received from the learned Advocate / learned P.O. and / or this Tribunal do not remain unattended and arrangements to attend to the case is done only after full application of mind ?

(f) Show cause as to why incumbent holding the post of Respondents No.1, 2 and 3 should not be personally saddled with costs for failing to attend and failing to file reply in spite of grant of adequate time.

9. Apart from the explanation sought in foregoing paragraph the officer amongst the Respondents whoever may be incharge of the issue involved in present O.A. should file the affidavit before next date stating as to whether any legal impediment exists in deciding the applicant's claim for taking decision as regards the manner in which the period during which the applicant was under suspension shall be dealt with.

10. If there be no legal impediment the statement be made as to the time frame within which the decision would be taken.

11. It shall be highly appreciated, if instead of filing affidavit a decision is taken preferably by giving hearing to the Applicant. If decision is taken, reply to paras 10 and 11 should not be filed.

12. Reply to show cause towards points contained in para no.9 and reply sought by the Tribunal in para nos. 10 and 11, if necessary, adjourned to 22.09.2016.

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

14. S.O. to 22.09.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk