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

#### Tribunal's orders

Date: 20.09.2017.

#### O.A.No.465 of 2017

G.R. Karpe

....Applicant.

Versus

The State of Maharashtra & Ors. ...

....Respondents.

- Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
- 2. On 19.09.2017 Shri K.B. Bhise, the learned Presenting Officer for the Respondents has tendered affidavit-in-reply on behalf of Maharashtra Public Service Commission (M.P.S.C.).
- 3. The affidavit-in-reply was seen to have been drafted in improper language. Law Officer as well as the officer who had affirmed the affidavit were called. Both these officers had appeared and requested to return the affidavit and undertook to file own handwritten apology.
- 4. Today both these officers namely Shri Sanjay P. Deshmukh, Under Secretary, M.P.S.C. and Shri Sagar P. Bhongade, Law Officer have tendered apology. It is taken on record and is accepted. Affidavit of M.P.S.C. is returned for redrafting and filing.
- 5. In view of the foregoing adjourned to 16.10.2017.
- 6. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

Sd/-(A.H. Joshi J:) Chairman

DATE: 209 2017 CORAM:

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

APPEARANCE:

Shri/Smt M.D. Lankax

Advocate for the Applicant
Shri /Smt : K.B. Bhis C.P.O / P.O. for the Respondent/s

AD TO 16/10/2017.

Steno copy & Hamdout is allowed to Ld. P.O.

y E

# THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI ORIGINAL APPLICATION NO.862 OF 2016

DISTRICT: MUMBAI

A.J. Telvekar & Ors.

.. Applicants

Versus .

The State of Maharashtra & Ors.

.. Respondents

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

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

CORAM:

Justice Shri A.H. Joshi, Chairman

DATE :

20.09.2017

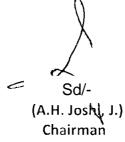
#### ORDER

- 1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
- 2. Applicant has prayed by praecipe for certain reliefs those are as follows:-
  - "1. Publication of common notice of filing on the aforesaid original application on the notice boards in the departments where the respondents are working.
  - 2. Serving of individual notices issued by the Hon. Tribunal with copy of the original application with its annexure in un-editable format though C.D. with further instructions that the hard copy of the original application would be available in the office of the Hon. Tribunal which would be made available to the interested respondents on verification of identity.
  - 3. Publication of such notice on the website of the Hon. Tribunal."

(Quoted paragraph from praecipe dated 19.09.2017)

- 3. The request made in the praecipe is allowed in following terms :
  - a) Applicants shall furnish the copy of notices to all Respondents who are to be served.
  - b) The copy of O.A. in the form of Compact Disc (C.D.F.) in Portable Document Format (P.D.F.) of entire text of O.A. along with annexures as are attached by the Applicant to the notice in a C.D. carrier envelope.
  - c) Applicants should deposit bunch of notices with Deputy Secretary of each Department under whose control resulective Respondents are working.
  - d) This compliance be done within 15 days from today.

- e) The Deputy Secretary of the concerned Department is directed that he shall cause delivery of notices along with the Compact Disc furnished by the Applicant along with the notices within 10 days of receipt thereof, after obtaining acknowledgment in duplicate.
- f) Each Deputy Secretary should forward the original acknowledgment within one week from the date of last service along with the forwarding letter after attesting that the acknowledgments are given in his presence.
- g) Notice of this Tribunal along with list of employees who are to be served be displayed by the Deputy Secretary of each Department on notice board of his Department.
- 4. Returnable date of notice shall be on 10.10.2017.
- 5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 6. Applicants are authorized and directed to serve in 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.
- 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. Affidavit of compliance by Applicants be lodged in the Registry within one week before due date.
- 9. Steno copy and Hamdast is allowed to learned C.P.O..
- 10. Learned C.P.O. is directed to communicate this cider to the Respondents. Secretary of the concerned Department as per list, which be furnished by learned Advocate for the Applicants.
- 11. S.O. to 10.10.2017.



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#### THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

#### **ORIGINAL APPLICATION NO.606 OF 2017**

**DISTRICT: MUMBAI** 

P.P. Ramteke & Ors.

.. Applicants

Versus

The State of Maharashtra & Ors.

.. Respondents

Dr. G. Sadavarte, the learned Advocate for the Applicants.

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

CORAM:

Justice Shri A.H. Joshi, Chairman

DATE :

20.09.2017

#### ORDER

- 1. Heard Dr. G. Sadavarte, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
- 2. This Tribunal had issued notices on 10.07.2017. The office report recorded on 23.08.2017 that despite grant of four week's time learned P.O. for the Respondents again requested for four week's time.
- 3. On 23.08.2017 one week time was granted for filing the affidavit-in-reply, if any and two weeks for adjournment. Thereafter the case was listed on board on 07.09.2017.
- 4. On 07.09.2017, learned P.O. again prayed for grant of time. This Tribunal has recorded whatever had transpired and passed order which reads as follows:-

"Heard Dr. Shri Gunratan Sadavarte, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO prays for time for filing reply. Ld. PO was called to state as to whether instructions are received. Ld. PO has replied in negative. Ld. PO was called to state whether any instructions are received to pray for adjournment and reasons, if any. Ld. PO states that no instructions are received. Ld. PO was further called to state whether the intimation that the case is on today's bard was sent. Ld. PO has answered in affirmative.



- 3. In the aforesaid background it is seen that respondents have simply neglected in attending to the case. Therefore, Ld. PO was called to furnish the name of the Secretary of the Department. Ld. PO answered it by stating that Dr. Pradeep Vyas is the Secretary of the Public Health Department.
- 4. In the aforesaid premises, the fact that nobody has attended to this case in spite that now and then officers from Public Health Department appear before this Tribunal in various matters, is serious.
- 5. Ld. PO is called to take instructions as to whether the officer concerned would volunteer to apologize and file reply within ten days. If reply does not come forward, serious view of the matter will be taken and the officer concerned would be called to show cause against cost.
- 6. With the above observations, hearing is adjourned to 20.9.2017.
- 7. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents."

(Quoted Farad order dated 07.09.2017.)

- 5. Today learned P.O. again prays for time.
- 6. Learned P.O. sought time till afternoon and in the afternoon he has prayed for adjournment on the ground that instructions were still awaited, though the officer has arrived with oral instructions to pray for time.
- 7. Attitude of the Department showing grave neglect, indifference and supineness towards present proceedings is very serious. Inspite of the grant of more than two months time no attention is paid whatsoever to the present case.
- 8. The neglect as has happened in present case is not an instance of solitary nature and it appears that Health Department is in the habit of neglecting to the Court cases and cases before this Tribunal.
- 9. This Tribunal, therefore, called to show cause on 10.10.2017 as to why Secretary, Dr. Pradeep Vyas, Public Health Department should not be saddled with costs of Rs.1,000/- to be paid by him from his own pocket, towards neglect on the part of his Department and on account of his own neglect in attending to present case.

- 10. Learned P.O. is directed to communicate this order to the Respondents.
- 11. Steno copy and Hamdast is allowed to learned C.P.O..
- 12. It is hoped that by next date a detailed affidavit-in-reply would be filed.
- 13. S.O. to 10.10.2017.

Sd/-(A.H. Josf#7 J

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# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH

#### MISC APPLICATION NO 365/2017

#### IN

#### ORIGINAL APPLICATION NO 335/2015

#### **DISTRICT:**

Smt Manasi M. Badbe,

)...Applicant

#### Versus

The State of Maharashtra & Others )...Respondents

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

Ms Savita Suryawanshi, learned Presenting Officer for the Respondents.

CORAM: Shri Justice A.H Joshi (Chairman)

DATE : 20.09.2017

#### ORDER

- Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Savita Suryawanshi, learned Presenting Officer for the Respondents.
- Issue notice returnable on 10.10.2017. 2.

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

issued.

- 4. Applicants are 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.
- 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. Applicants are directed to file affidavit of compliance and notice.
- 7. In case notice is not collected within one week or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record
- 8. Respondent No. 1 is directed to file affidavit as to on what factual and legal grounds a candidate who was precluded from appearing examination could have been precluded from appearing for examination and also from

actual promotion when the candidate cannot be blamed for failure to appear for examination since those were not held.

- 9. Affidavit be filed within two weeks. In case applicant is granted the promotion, affidavit need not be filed.
- 10. S.O to 10.10.2017
- 11. Steno copy and Hamdast allowed. Learned Presenting Officer is directed to communicate this order to the Respondents.

(A.H Joshi, U.)

Place: Mumbai Date: 20.09.2017

Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2017\Sept 2017\M.A 365.17 in O.A 335.15 Promotion challenged DB.09.17.doc

#### IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

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

#### 20.09.2017

#### O.A No 236/2017

Shri A.T Kusale

... Applicant

The State of Maharashtra & Ors ... Respondents

- Heard Dr G. Sadavarte, learned advocate for the applicant and Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents.
- Issue notice returnable on 7.11.2017. 2.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
- Applicants are 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/ 6. speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file affidavit of compliance and notice.
- In case notice is not collected within one week or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand papers dismissed without reference and consigned to record
- S.O to 7.11.2017.

(A.H. Jòsh**ī,**∣J.) Chairman

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

APPEARANCE:

Shri/Sint: DY. G. Sadava 1

Advocate for the Applicant

Shri/Smt : HK Raj Rurohit C.P.O / P.O. for the Respondent/s

Adj. To. 7/11/2017.

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No.

of 20

IN

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

#### 20.09.2017

#### M.A 337/2017 in O.A No 35/2017

Shri S.A Adake

... Applicant

Vs.

The State of Maharashtra & Ors ... Res

... Respondents

- 1. Heard Shri A.V Bandiwadekar, learned advocate for the applicants and Ms Archana B.K, learned Chief Presenting Officer for the Respondents.
- 2. Issue notice returnable on 9.11.2017.
- 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
- 4. Applicants are 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.
- 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. Applicants are directed to file affidavit of compliance and notice.
- 7. In case notice is not collected within one week or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.
- 8. S.O to 9.11.2017.

Sd/-

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

20.00

DATE: 20 9 20 7

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

Hen'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt : A.V. Bandiw edeler

Advocate for the Applicant

Shri/Smt: AYUhana 16:K... C.P.O/P.O. for the Respondent/s

Adi To 9/11/2017.

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#### IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

M A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

#### FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

#### 20.09.2017

#### C.A 46/2017 in O.A No 300/2015

Shri D.A Patil

... Applicant

The State of Maharashtra & Ors ... Respondents

- Heard Shri M.D Lonkar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Chief Presenting Officer for the Respondents.
- Issue notice returnable on 16.10.2017.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
- Applicants are 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 one week. Applicants are directed to file affidavit of compliance and notice.
- In case notice is not collected within one week or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record
- S.O to 16.10.2017.

directions and Registrar's orders

Hon'bie Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Spot: M.D. L

Advocate for the Applicant

Shri/Smi : K.S. GaikNed C.P.O./P.O. for the Respondent/s

At To 16/10/2017.

6/9/2017 DATE:

Hen'ble Lawrence and Manufacturinman)

Advocate to the Applicant

Sho /Size. K. M. Bhis

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

Adj To 20/9/2012 pt me Vegyest of P.U.

SE.

20/9/17 Coram & Appearance same ag above.

Admit.

To come up for hearing in due course

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To come up for hearing in

due courses

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Organial Application No. 292 of 2 T.A. Shy	DISTRICT LA 4025. DISTRICT Applicant/s
(Advocate MYS Kavita Roy )	
	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: 24/8/12 CORAM: Hor ble Justice Shri A. H. Joshi (Chairman) Hor ble Shri M. Rameshkumar (Member) A APPEARANCE: Shri/Sinc.: Kayita Rey Advocate for the Applicant Shri/Sinc.: K.B. Bhi se C.P.O / P.O. for the Respondent/s  Adj. To. 20/3/12 at the request	
8ºE	
DATE: 20017  CORAM: How ble Justice Shri A. H. Joshi (Chairman)  APPEAR ANCE: ShrivSmt.: Manaha Khemka  Advocate for the Applicant Shri /Smt.: K. B. Bhise G.PO / P.O. for the Respondent/s  Adv C. F. Chandrake for Added  Add To Repf:  Admi L  O. A Shall Come up for heaving in due course	of A292/2017 and of 358/2016 Heard. Admilie Of shall come up for hearing in due Course.  Sd/- harytahn 20/9/2019

Original Application No.

of 20

#### FARAD CONTINUATION SHEET NO.

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

Tribuncal's orders

#### 20.09.2017

#### O.A No 1099/2016

... Applicants Shri J.S. Phad & Ors Vs. The State of Maharashtra & Ors ... Respondents

- Heard Shri M.D Lonkar, learned advocate for the applicants, Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents no 1 to 3 and Shri A.V Bandiwadekar, learned advocate for Respondents no 4 to 16.
- Applicants shall be free to move application for interim relief if advised.
- 3. In case if any promotions are ordered, those shall be subject to outcome of present Original Application.

(A.H. Joshi J.) Chairman

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DATE: CORAM:

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

#### APPEARANCE:

Shri/Sme M. D. L

Advocate for the Applicant Shri/Sant: MK. Ray Durch C.P.O/P.O. for the Respondent/s 1 +03 Adv. A.V. Bandiwader for R.4 to

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

#### 20.09.2017

#### O.A No 241/2017

... Applicants Shri S.T Borate & Ors The State of Maharashtra & Ors ... Respondents

- 1. Heard Shri S.S Dere, learned advocate for the applicants and Shri K.B Bhise, learned Presenting Officer for the Respondents.
- Removed from board in view that the affidavit 2. of service is not filed.

(A.H. Joshi, J.)

Chairman

Akn

2019/2012 DATE: CORAM:

Hon'his Justice Shel A. H. Lighi (Chairman)

APPENDATE OF

Shrift G.S. Dere

Advanto for the Applicant

strong KB-Bhlac C.P. V. P.O. for the Respondent/s

14 To Removed from board.

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

#### 20.09.2017

#### O.A No 884/2017

Shri Sandeep C. Thoke

... Applicant

The State of Maharashtra & Ors ... Respondents

- Heard Ms Swati Manchekar, learned advocate 1. the applicant and Ms Savita Suryawanshi, learned Presenting Officer for the Respondents.
- 2. Removed from board in view that the applicants have failed to take steps to serve the respondents.

(A.H. Joshi, S)

Akn

20/0/2017 DATE: true life Institut Met & H. Joshi (Chairman) 17 . his Shri M. Angelsh amar (Member) A

S.P. Mancheker

A franche for the Applicant

S-SUMAWANSHI C. P.O. 1970. Ar See Respondent/s.

Removed from board.

#### 20.09.2017

#### O.A No 885/2017

... Applicant Shri Prakash H. Mhanvar Vs.

The State of Maharashtra & Ors ... Respondents

- Heard Ms Swati Manchekar, learned advocate for the applicant and Ms Savita Suryawanshi, learned Presenting Officer for the Respondents.
- Issue notice returnable on 10.10.2017. 2.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
- Applicants are 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/ acknowledgement post/courier and speed obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file affidavit of compliance and notice.
- Respondent no. 1 need not file affidavit, if corrective steps are taken.
- In case filing of reply is delayed and case is contested in absence of contentious issue, liability of heavy costs may be attracted.
- S.O to 10.10.2017. 9.
- Steno copy and Hamdast allowed. Learned Presenting Officer is directed to communicate this order to the Respondents.

(A.H. Joshi, V.) Chairman

DATE:

**CORAM:** 

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

APPEARANCE:

Shri/Smt. S.P. Manchele

Advocate for the Applicant

Shri/Smi ... S. Suxyawansh C.P.O / P.O. for the Respondent/s

Adj To 10/10/2012.

Steno copy of Hambest is allowed.

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

#### 20.09.2017

#### O.A No 392/2017

Shri A.G Vichare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents

- Heard Shri D.B Khaire, learned advocate for 1. the applicants and Ms Neelima Gohad, learned Presenting Officer for the Respondents.
- Removed from board in view applicants have failed to take steps to serve the respondents.

(A.H. Josh

Akn

DATE:

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman) Hon! ble Shri M. Rameshkumas (Member) A-

APPEARANCE:

D.B. Khaire

Advocate for the Applicant

Shri/Smi : The Gono C.P.O / P.O. for the Respondent/s

Ad To Removed from board.