Original Application No.1091 of 2018

J.V. Kadam

)Applicant

Versus

The State of Maharashtra & Ors.

)....Respondents

Smt. Punam Mahajan, learned Advocate for the Applicant.

Ms. N.G. Gohad, the learned for the Respondents.

CORAM:

Shri A.P. Kurhekar, Member (J)

DATE :

20.12.2018.

ORDER

- 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
- 2. In present application, challenge is to the transfer order dated 29.11.2018 whereby the Applicant has been transferred from Traffic Branch, Pune to Police Head Quarters, invoking in Section 22N (2) of Maharashtra Police Act, 1951,
- 3. Learned Advocate for the Applicant contends that it being mid-term and mid-tenure transfer be stayed. Learned Advocate for the Applicant further urged that if the transfer is on default report, show cause notice ought to have been issued before passing impugned order.
- 4. At this premises, learned Advocate for the Applicant submitted that though the transfer order is shown passed under Section 22N (2) of Maharashtra Police Act, 1951, it being punitive, interim relief be granted.
- 5. Per contra, leaned P.O. for the Respondents submits that the transfer has been made in view of the enquiry report as behavior and conduct of the Applicant found not inconsonance with the discipline. She, therefore, submitted that Police Establishment Board considered this aspect and found it appropriate to transfer the Applicant in public interest and administrative exigency.

- 6. I have gone through the report submitted by the learned P.O. dated 15.11.2018 as well as the minutes of P.E.B. It appears that the Civil Services Board had considered the subject of alleged misconduct of the Applicant and thought it proper to transfer the Applicant as it was affecting discipline of the police personal adversely. As such, there seems to be compliance of Section 22N (2) of Maharashtra Police Act, 1951.
- 7. In view of above, I am not inclined to grant interim stay to the impugned order.
- Issue notice returnable on 3.1.2019.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 14. S.O. to 3.1.2019.
- 15. Steno copy and Hamdast is allowed.
 Sd/-

(A.P. Kurhekar) Member (J)

Original Application No.1124 of 2018

M.P. Gurusiddhanwar

)Applicant

Versus

The State of Maharashtra & Ors.

)....Respondents

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

Ms. N.G. Gohad, the learned for the Respondents.

CORAM:

Shri A.P. Kurhekar, Member (J)

DATE :

20.12.2018.

ORDER

- 1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
- 2. In present application, challenge is to the order dated 1.12.2018 whereby the sum of Rs.7,88,425/- has been ordered to recover from the Applicant on the ground of wrong fixation at the time of first Time Bound Promotion and second Time Bound Promotion.
- 3. In impugned order, the Respondent is directed to recover Rs.40,000/- per month from the salary of the Applicant from December, 2018 to October, 2019 and remaining to be deducted from the gratuity.
- 4. As the Applicant is group 'C' employee, the learned Advocate for the Applicant relies on the judgement of Hon'ble Supreme Court (2015) 2 SCC (L & S) 33 in case of State of Punjab and Others Vs. Rafiq Masih (White Washer) wherein Hon'ble Supreme Court has held that the recovery from the employee (Class C and D) who are due to retire within one year is not permissible. In present case, the Applicant is due to retire within year.

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- 5. As such, in view of above, prima facie recovery is not permissible. The directions for recovery of Rs.40,000/- from the salary of the Applicant and from gratuity thereof needs to be stayed by passing interim relief.
- 6. In view of above, interim stay in granted in terms of prayer clause 10(a) of the application.
- 7. Issue notice returnable on 24.1.2019.
- 8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 9. 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.
- 10. 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.
- 11. 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.
- 12. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 13. S.O. to 24.1.2019.
- 14. Steno copy and Hamdast is allowed.

Tribunal's orders

Date: 20.12.2018

M.A.No.654 of 2018 in O.A.No.96 of 2018

The State of Maharashtra & Ors.

....Applicants (Org. Respondents)

Versus Shrl M.B. Kale

.....Respondent (Org. Applicant)

- 1. Heard Smt. Archana B.K., the learned Advocate for the Applicants (Org. Respondents). None for the Respondent (Org. Applicant).
- 2. Issue notice returnable on 24.1.2018.
- 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. Applicants (Org. Respondents) are authorized and directed to serve on Respondent (Org. Applicant) intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Respondent (Org. Applicant) 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. Applicants (Org. Respondents) are directed to file affidavit of compliance and notice.
- 7. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, MA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 24.1.2019.

∖ Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20 12 18
CORAM
Honble Shri. A. P. Kurhekar, Member (J)

A SHE HOLLONG BK.

Active of the Applicant (and People)

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Adj /S.O to 24 1 9.

	MUMBAI		
Original Application No.	of 20	District	1
			Applicant/s
(Advocate)	÷	
	versus		
The S	State of Maharashtra an	nd others	
		-	Respondent/s
(Presenting Officer		;	
Office Notes, Office Memoranda of Cor Appearance, Tribunal's orders or directions and Registrar's orders		Tribunai's orders	
	Date : 20.12.201	8	
		O.A.No.780 of	2018
	V.V. Dalvi Versus	,	Applicant
	The State of Mah	arashtra & Ors.	Respondents.
	1. Heard S	hri A.V. Bandiwa	dekar, the learned
		The second secon	t. K.S. Gaikwad, the
	learned Presentin	g Officer for the Res	pondents.

DATE: 20/12/18
CORAM
Hon'ble Shri, A. P. Kurhekar, Member (J)

STREAKANCE Bandicoodedo

Advocate for the Applicant

Shri /8mt : IA S · G æi /2000 O C.P.O/P.O. for the Respondent/s

Ad 15.0. to D. A. cis disposed

Applicant in waiting list.

3. Today, learned P.O. for the Respondents has produced copy of wait list dated 18.12.2018 wherein the name of the Applicant is figured at Sr.No.1. The wait list is

compassionate ground. On last date, on the request of the learned P.O. for the Respondents, matter was adjourned as department was considering including of the name of the

to

appointment

matter pertains

taken on record.

2.

The

4. As such, the Respondents have already processed the application of Applicant and his name has been taken in waiting list at Sr.No.1.

- As such, the grievance is redressed and appointment order will be issued as and when the next available vacancy arises.
- 6. In view of above, Original Applicant is disposed of with directions that appointment be issued as and when next available vacancy arises as per ruler. No cart

Sd/-

(A.P. Kurhekar) Member (J)

Tribunal's orders

Date: 20.12.2018

O.A.No.1104 of 2018

M.R. Kelkar

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.
- Issue notice before admission made returnable on 10.1.2019.
- 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 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. Applicant is directed to file affidavit of compliance and notice.
- 7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 10.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20/2/18
CORAM
Hontile Shrit A. P. Kurhekar, Member (J)

Princen Mahayan

Advocate for the Applicant

Shritsmit No. S. Score coooks W. G.P.O/P.O. for the Respondent's

Adj./S.O. to 10 1 9

D) ad

Tribunal's orders

Date: 20.12.2018

O.A.No.1105 of 2018

M.R. Khaire

....Applicant

Versus

....Respondents.

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. Archana B.K., the learned

Presenting Officer for the Respondents.

The State of Maharashtra & Ors.

2. Issue notice before admission made returnable on 10.1.2019.

- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. 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.
- 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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 10.1,2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE 2012 18 CORAM Honbis Shri. A. P. Kurhekar, Member (J)

STORAGE Panam Wolgey

Advocate for the Applicant

Shritsint Acceptance B.K. C.P.O/P.O. for the Recoondent's

Adj. 15.0 to 10 11 19.

Day!

'Tribbanel's orders

Date: 20.12.2018

O.A.No.1106 of 2018

D.B. Misal

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
- 2. Issue notice before admission made returnable on 10.1.2019.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. 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.
- 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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 10.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20/12/19 CORAM Hon'ble Shri, A. P. Kurhekar, Member (J)

APPEARANCE Demain Mahayay

Advocate for the Applicant

ShrifSmt K.S. Gaileea

Adi/S.O. to 10/1/19.

Duy.

Primarsha orders

Date: 20.12.2018

O.A.No.1107 of 2018

A.V. Mahindrakar

....Applicant

Versus'

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents.
- Issue notice before admission made returnable on 10.1.2019.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. 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.
- 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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 10.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20/2/18
CORAM:
Howble skin A. P. Kenholmorth

APPEARANCE: Mahayan

Advocate for the Applicant

Shri Smt S.D. Dol C. C.P.O/P.O. for the Respondent/s

Adj. 15.0. to 10/1/19

Tribunal's orders

Date: 20.12.2018

O.A.No.1103 of 2018

B.K. Naik

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
- Issue notice before admission made returnable on 10.1.2019.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. 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.
- 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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 10.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20/12/18
CORAM
Hon'ble Shri, A. P. Kurhekar, Member (J)

Strong Princey Mongay

Advocate for the Applicant

Shri 19th 18 N.G. Gohac G.P.O/F.O. for the Respondent/s

-9:17:0/10:10r the Respondent/s

Adj/S.O to 10 1 19

Tribunal's orders

Date: 20.12.2018

O.A.No.1101 of 2018

R.N. Deshpande

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents.
- 2. Issue notice before admission made returnable on 10.1.2019.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. 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.
- 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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 10.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20/12/18
CORAM
Hon'ble Shri. A. P. Kurhekar, Member (J)

AFFERENCE Punoun Mahajan

Advocate for the Applicant

Shri (Sint S.D. Dole C.P.O/P.O. for the Respondent/s

Adj./S.O. to 10/1/19.

til) ad

Tribunal's orders

Date: 20.12.2018

O.A.No.1100 of 2018

N.S. Tathavadekar

....Applicant

Versus

The State of Maharashtra & Ors.

....Respondents.

- Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents.
- Issue notice before admission made returnable on 10.1.2019.
- 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 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.
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- 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. in case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. 5.O. to 10.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

Hon bio Shri. A. P. Kurhekar, Member (J)

Advocate for the Applicant

Shridsmt S.D C.P.O/F.O. for the Respondent/s

Adj./S.O. to 10

Tribunal's orders

Date: 20.12.2018

O.A.No.1099 of 2018

H.I. Shaikh Versus

....Applicant

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.
- 2. Issue notice before admission made returnable on 10.1.2019.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. 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.
- 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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

5.O. to 10.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 2012 18
CORAM
Hon'bic Shri, A. R. Kurtiekar, Mamber (J)

APPER BANGE Parsen Mahajar

Advocate for the Applicant

Shriftime No. S. Scaruawawa G. P.O. For the Respondent/s

Adj./S O. to 10/1/19:

Tribunal's orders

Date: 20.12.2018

O.A.No.1098 of 2018

P.K. Patil

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
- Issue notice before admission made returnable on 10.1.2019.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. 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.
- 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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 10.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20/12/18
CORAM
Hon'bie Shri, A. P. Kurhekar, Member (J)

APPEARANCE Manay Mahayan

Advocate for the Applicant

Shritemt K.S. Gay Peroc

Adj./S.O. to 10/1/9

Original Application No.	f 20 District
	Applicant/s
(Advocate	
	versus
The State	of Maharashtra and others
	and others
	Respondent/s
(Presenting Officer)
OPP No. OPP No. 1	T
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	'Tribunal' s orders
	Date : 20.12.2018
	O. A. No. 484 of 2018
	U. A. No. 484 of 2018
· · · · · · · · · · · · · · · · · · ·	C. R. GoreApplicant
	Versus
	The State of Maharashtra & OrsRespondents.
•	Heard Shri A. V. Bandiwadekar, the learned
	Advocate for the Applicant and Ms N. G. Gohad, the
	learned Presenting Officer for the Respondents.
DATE: 2012 18	
CORAM	2. Enough chances are granted for filing reply.
Hombie Shri. A. P. Kurhekar, Member (3)	However, on request of learned P.O. one week's time is
	granted as most last chance.
APPEARANCE	2 If you ly is not filed on the most data the matter will
Shrizsmi Al Boendiceadolo	3. If, reply is not filed on the next date, the matter will be heard without reply.
Advocate for the Applicant	be field without reply.
· · · · · · · · · · · · · · · · · · ·	4. S.O. to 02.01.2019.
Shri /Smt. Ma. N. G. Golvac) C.P.O/P.O. for the Respondent/s	
	Sd/-
Adj./S.O. to 2 1119.	
auluj	(A.D. Kuuhakau)
	(A.P. Kurhekar) Member (J)
	vsm
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Original Application No.	of 20 District	
		Applicant/s
(Advocate)	
1		
	versus	
		i e
The Stat	e of Maharashtra and others	
		D
		Respondent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Coram,		
Appearance, Tribunal's orders or	Tribunal's orders	
directions and Registrar's orders		
	·	
	Date : 20.12.2018	
	Date . 20.12.2010	• •
	O. A. No.1161 of 20	17
	O. A. 110.1101 01 20	~ *
i '		
	S. S. Patil & Ors.	Applicants
	Versus	
	Who Seek a Sadahamadaan B Oos	Dogwoodente
- !	The State of Maharashtra & Ors.	Respondents.
	1. None for the Applicants. Hea	ard Smt Archana R
	1. Notice for the Applicants. The	aid Sint. Alchana b.
	K., the learned Presenting Officer for t	he Respondents.
		1.
ATE: 2012-18	2. The Applicant and the learned	d Advocate both are
ORAN		
on'ble Shri. A. P. Kurhekar, Member (J)	absent though called repeatedly in t	the first session and
On Die Signification	afternoon session.	
FPEARANCE () U.	3. The matter pertains to appoin	tment of Police Patil.
Harrison Volue 1832 The		
Luncia for the Armicant	Absence of applicant and the learned	Advocate show that
Advocate for the Applicant	they are not interested in the matter.	
Shrivant Acrchana B.K.		
> DO/DIO for the Respondent's	A Haman Alia Oniminal Amalians	ian is dismissed in
Adi/S q to O.A. is dishiss	4. Hence, the Original Applicat	ion is distrissed in
Adj./S.Q. to D. H. Jes Zwowe	default. No order as to costs.	•
in destared+ oral		
47	<u> </u>	

Sd/-

(A.P. Kurhekar) Member (J)

vsm

Tribunal's orders

Date: 20.12.2018

O.A.No.1113 of 2018

V. D. Jadhav

...Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Shri S. S. Dere, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned Presenting Officer for the Respondents.
- 2. Issue notice before admission returnable on 04.01.2019.
- 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 04. 01. 2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 2012/18
CORAM
Hon'ble Shri. A. P. Kurhekar, Member (A)

APPEARANCE 8hri Shri - 8. S. Dere.

Advocate for the Applicant

Shri / Emit 14.5. G-01/2000 C-PO/P.D. for the Respondent/s

Adj./S.O. to 4 1 19

M

Original Application No.	of 20	DISTRICT	
		Applicant/s	
(Advocate	· ·		
(Advocate			
	versus		
The	State of Maharashtra a	nd others	
		Respondent/s	
(Presenting Officer	·)	
Office Notes, Office Memoranda of Co Appearance, Tribunal's orders o directions and Registrar's order	r	Tribunal's orders	
	Date : 20.12.	2018	
		O.A.No.925 of 2018	
	V.M. Patil	Applicant	
	Versus		
	The State of	Maharashtra & OrsRespondents	•
	1. Heard	Shri G.J. Patil, the learned Advocate for th	۱e
	Applicant and	d Smt. Archana B.K., the learned Presentir	۱g
	Officer for the	e Respondents.	
	2		
1- 18	2. The m	atter is on the board of final hearing.	
DATE: 20/12/18	3. Howe	ver, learned Advocate for the Applica	nt
CORAN Hontile Shri. A. P. Kurhekar, Member (J) sought perm	ission to correct the title clause of th	ıe
Tipitan a		No.3 as Deputy Commissioner of Police i	in
APPEADINGE - POLI	place of Assi	stant Commissioner of Police in view of th	ie
Shrisme & T Potil	stand taken b	y the Respondent in reply.	
Advocate for the Applicant			
Shrifsmt Androna B.	4. Amen	dment being of formal nature is allowed.	
C.P.O/P.O. for the responses in	. •	dment be carried out forthwith.	
Adj./5.0 to 24/1/19	6. \$.O. to	24.1.2019.	
20/12/18 As per order of Houb Court dt. 20/12/18 alle		Sd/-	
As per order of Houb) (C)	Su/-	
court dt. 20/12/18 alle	T. Robil	(A.P. Kurhekar)	
carried ocet by Ade. a. on the title of O.A.	sba	Member (J)	
on the title or	101/11/		

Original Application No. of	20 DISTRICT
l l	Applicant/s
(Advocate)
	versus
The State of	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 : 20.12.2018
	O.A.No.1086 of 2018
	S.B. JadhavApplicant
	Versus The State of Maharashtra & OrsRespondents.
-	The State of Maharashtra & OrsRespondents.
1 1.0	1. Heard Smt. Punam Mahajan, the learned Advocate
DATE: 20/12/18	for the Applicant and Ms. S.P. Manchekar, the learned
COBAM Hon'ble Shri. A. P. Kurhekar, Member (J)	Chief Presenting Officer for the Respondents.
	2. Today, learned C.P.O. for the Respondents has filed
APPEARANCE Shirtsmi Prencein Malajan	affidavit-in-reply on behalf of the Respondent No.2. It is
V	taken on record.
Advecate for the Applicant	2
St. Jan Mu. S.P. Mencheka	3. Respondent No.3 (private Respondent) is served, is
C.P. 247-0. for the Respondent/s	absent.
pepy to led by A. No. 2 Byad	4. Matter is adjourned for hearing after vacation.
	5. S.O. to 7.1.2019.
	Sd/-
•	(A.P. Kurhekar)

sba

Member (J)

Tribunal's orders

Date: 20.12.2018

O.A.No.1125 of 2018

D.B. Kale

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents.
- 2. Issue notice returnable on 24.1.2019.
- 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 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. Applicant is directed to file affidavit of compliance and notice.
- 7. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 24.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20/2/18
CORAM
Hon'ble Shri. A. P. Kurhekar, Member (J)

APPEARANCE Shrismi AV Bandicoaddan

Advocate for the Applicant

Shri Ismt S.D. Dole

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

Adj./S.O. to _ 24 1 19

10/119

Original Application No.	of 20 District
	Applicant/s
(Advocate	
	versus
The State	of Maharashtra and others
	Respondent/s
(Presenting Officer)
Com. St. Com.	
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 20.12.2018
	O.A.No.1061 of 2018
	S.R. Jagtap & OrsApplicants Versus
•	The State of Maharashtra & OrsRespondents.
	1. Heard Shri A.V. Bandiwadekar, the learned
	Advocate for the Applicants and Smt. Archana B.K., the
	learned Presenting Officer for the Respondents.
1-10	2. In present matter challenge is to the suspension
DATE 20/12/18	order dated 5.5.2018.
CORASI Hon'ble Shri. A. P. Kurhekar, Member (1)	3. However, learned Advocate for the Applicant
	pointed out that prima-facie impugned order is not
APPEARANCE	
6 mi Boulevalekon	sustainable in law and Respondents are killing time
Advocate for the Applicant	without any valid reason. He, therefore, requested to
Sherfam Acachana B.K.	expedite the matter and dispose of at the stage of
C.P.O/P.O. for the Respondent/s	admission.
Adj./S.O. to 2/1/9	4. Whereas, the learned P.O. for the Respondents
401.75.0. 10 2 m	requested for two weeks' time on the ground that para-
the state of the s	wise remarks are yet to be received.
	5. At this stage, it would not be appropriate to make
	any comments on the merit of the case. However, matter
	needs to be expedited and disposed of at the earliest.
	6. One week's time is lastly granted to learned P.O. to

(A.P. Kurhekar) Member (J)

Sd/-

file affidavit-in-reply without fail. If reply is not filed, the

matter will be proceed without reply.

S.O. to 2.1.2019.

7.

Tribunal's orders

Date: 20.12.2018

O.A.No.977 of 2018 with O.A.No.978 of 2018

B.B. Pawar

(O.A.No.977 of 2018)

B.L. Yele (O.A.No.978 of 2018)

....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 in O.A.No.977 of 2018 and Shri S.D. Dole, the learned Presenting Officer for the Respondents in O.A.No.978 of 2018.
- 2. In both matters, on the last date, learned P.O. for the Respondents was directed to take instructions about the review of the suspension of the Applicants as well as to file affidavit-in-reply on next date.
- 3. Today, however, learned P.O. for the Respondents submitted that though the review committee meeting was scheduled on 5.12.2018, it was adjourned and now the subject of suspension of the Applicants will be placed in the next meeting, the date of which is not fixed.
- 4. Learned Advocate for the Applicant emphasis that the Applicant are under suspension for more than 1 year and 8 months without any review of their suspension and therefore, requested to expedite hearing.
- S. As the Applicants are under suspension for long period, hearing needs to be expedited as till date there is no review of the suspension order of the Applicant.
- 6. On the request of the learned P.O., two weeks time is lastly granted with instructions that no further time will be granted.
- 7. Learned P.O. for the Respondents is at liberty to file affidavit-in-reply on next date and to take instructions about review committee decision, if any.
- 8. S.O. to 4.1.2019.

Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20/12/18
CORAM
Hon'ble Shri. A. P. Kurhekar, Member (3

APFEATANCE MIZOLGE

Advesate for the Applicant

Shite Auchana BIZ O POPO. for the Respondent's

Adi/S.O. to 4 1 19.

[Par]

Original Application No. 0	f 20 District
	Applicant/s
(Advocate	
(Advocate	
	versus
The State	of Maharashtra and others
	Respondent/s
(Presenting Officer)
Office Notes, Office Memoranda of Corner, Appearance, Tribunal's orders or directions and Registrat's orders	Tribonal's orders
	Date : 20.12.2018
	M.A.No.663 of 2018 in O.A.No.1130 of 2018
•	U.B. Dhumal & OrsApplicants
	Versus
	The State of Maharashtra & OrsRespondents.
	1. Heard Shri A.V. Bandiwadekar, the learned
	Advocate for the Applicant and Ms. N.G. Gohad, the
	learned Presenting Officer for the Respondents.
1 10	2. This is an application for leave to sue jointly.
DATE 20/12/18	3. Considering the cause of action pursued by the
ORAM Hop ble Shri, A. P. Kurhekar, Mamber (J)	Applicants is common, concurrent and usual, the cases are
Oliving Oliv. Act. Herrorm, 1997	not required to be decided separately.
APPEARANCE O - Alina Alkan	4. In this view of the matter, the present Misc.
Shilem AV Bardinadeka	Application is allowed subject to Applicants paying
Advocate for the Applicant	requisite court fees, if not already paid.
Shulsmit No N.G. Gohael	5. M.A. is allowed:
G.P.O/P.O. for the Respondent/s	
Adi/SO to M.A. is ollowed.	Sd/-

(A.P. Kurhekar) Member (J)

Tribunal's orders

Date: 20.12.2018

M.A.No.664 of 2018 in O.A.No.1130 of 2018

U.B. Dhumal & Ors.

.... Applicants

Versus

The State of Maharashtra & Ors.

- Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
- 2. Issue notice returnable on 24.1.2019.
- 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 one week. Applicant is directed to file affidavit of compliance and notice.
- 7. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. to 24.1.2019.

(A.P. Kurhekar) Member (J)

Sd/-

DATE: Hon the Shri. A. P. Kurhekar, Member (J)

Advecto for the Applicant

Olivinal Application Mu	20 DISTRICT
Original Application No. of	Applicant/s
Advocate)
	versus
The State of	of Maharashtra and others
	Respondent/s
Presenting Officer	
Office Notes, Office Memoranda of Corum, Appearance, Tribunal's orders or directions, and Registrar's, orders	Tribunal's orders
	Date : 20.12.2018 O.A.No.489 of 2018
	U.M. GurkheApplicant Versus
	The Case Case I am a
	1. Heard Shri A.V. Bandiwadekar, the learned
DATE: 20/12/18	Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
COPAM Hon'ble Shift A. P. Kurhekar, Member (J)	2. Today, learned P.O. for the Respondents has filed
	affidavit-in-reply on behalf of the Respondent No.1. It is
APPEARANCE ALL TRANSPORTER	taken on record.
San Sout A. U. B. audicoadeka	3. Learned P.O. for the Respondents made a
Advocate for the Applicant	statement that reply filed today is being accepted as reply
Statement : K.S. Gentlewee C	of Respondent No.2 also.
(ĺ.	4. Adjourned for final hearing at the stage of
Adj. 15.0. to 17/11/9. Perby Bleck by A. 100. Blog	admission.
/	5. S.O. to 17.1.2019.
	i e e e e e e e e e e e e e e e e e e e

(A.P. Kurhekar) Member (J)

Original Application No.	f 20 District
	Applicant/s
Advocate)
	versus
The State	of Maharashtra and others
	Respondent/s
Presenting Officer	
Tresenting Contest	
Office Notes, Office Memoranda of Corum, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date: 20.12.2018
	O.A.No.865 of 2018
	S.M. JadhavApplicant
	Versus
	The State of Maharashtra & OrsRespondents.
	Trans of Milos Conkar, the learned Advocate for
MTE: 20/12/18	the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
San A. P. Kurhekar, Member (J)	2. Today, learned P.O. for the Respondents has filed
Service San Mart Mariners (19)	affidavit-in-reply of the Respondent. It is taken on record.
N.D. Lower	3. Learned Advocate for the Applicant submitted that
	point involved in present matter is very short. The matter
Advincate for the Applicant	be disposed of at the admission stage with hearing on
Ma N. G. Gohad	merit.
S.P.Off. O. for the Respondent/s	
Adj./S.O. to 2/1/19. Peply hiled Gg Pespondent page	4. In view of above, matter is adjourned at the stage
peply liked as respondent milas	of admission.
	T
	5. S.O. to 2.1.2019.
	Sd/-
	(A.P. Kurhekar)

Member (J)

Original Application No.	of 20	Dis	TRICT
			Applicant/s
	,		
(Advocate)		
	vei	rsus .	
· The St.	ate of Mah	arashtra and others	
•		•	D 1 /
	•	•	Respondent/s
(Presenting Officer			
Office Notes, Office Memoranda of Corac Appearance, Tribunal's orders or directions, and Registrar's, orders	11,	Tribunal's or	ders
		The second secon	
	Date	2: 20.12.2018	
		O.A.No.1011	of 2018
	K.R.	Tawarej	Applicant
•	Vers	-	· · · · · · · · · · · · · · · · · · ·
		State of Maharashtra & Ors	
!		Marc of Maria asittle & Ofs	Respondents.
	1.	Heard Smt. Punam Maha	ijan, the learned Advocate
·	for the	ne Applicant. Ms. S.P. Mar	nchekar, the learned Chief
		nting Officer for the Respo	
Y		Bandiwadekar, the lear	
DATE: 20/12/18		ondent No.3.	ned Advocate for the
ORAM	ļ		
Ion ble Shri. A. P. Kurhekar, Member (J)	2.		the Respondents has filed
	affida	vit-in-reply on behalf of th	e Respondent No.1. It is
POTARNICE Princen Mackage	الم taken	on record.	
V. Advocate for the Applicant	3.	Shri A.V. Bandiwadekar, t	he learned Advocate for
Ms S. P. Manchelan	the Re	espondent No.3 submitted	that affidavit-in-reply on
SO/CA for the Respondent/s No	192, behalf	of the Respondent No.3	will be filed during the
1.1 Bandiwadekar for	2 <u>.</u> i	of the day. Statement is a	
	4.	In present O.A. shellers	
Peply Riled Gg R. No. 123: (1)	4	In present O.A., challenge proceeding needs to be exp	
	5.	In view of above, matter is	
	of adm	ission. Liberty is granted to	
	[Electry is granted (F.O. to life amidavit-in-

Sd/-

reply on behalf of the Respondent No.2, if required.

S.O. to 2.1.2019.

(A.P. Kurhekar) Member (J)

Tribunal's orders

Date: 20.12.2018

M.A.No.647 of 2018 in O.A.No.844 of 2018 With O.A.No.844 of 2018

L.H. Bilagoji

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
- 2. This Misc. Application has been filed for permission to amend the O.A.No.844 of 2018 wherein challenge is to the transfer order dated 12.9.2018.
- 3. This Tribunal has granted interim stay to the execution and operation of transfer order dated 12.9.2018.
- 4. However, subsequent development is that during the pendency of this O.A., the Applicant has been promoted by order dated 17.12.2018 and likely to join promotional post soon.
- 5. Learned Advocate for the Applicant in view of the subsequent development stated above, requested to dispose of the O.A. with some directions.
- Learned P.O. for the Respondents also concedes that the in view of promotion order of the Applicant, this Original Application be disposed of.
- 7. As the Original Applicant now being disposed of, there is no need to pass any order in M.A.No.647 of 2018. Accordingly, Misc. Application No.647 of 2018 is disposed of without pass any order therein.
- 8. In view of above, O.A.No.844 of 2018 is disposed of with directions to the Respondents not to implement the impugned order dated 12.9.2018 for three weeks so that the Applicant can join at promotional post. No order as to costs.

 Sd/-

(A.P. Kurhekar) Member (J)

DATE: 20/12/18
CORAM
Honble Shri. A. P. Kurhekar, Member (4)

APPEARANCE Shrishit All Boenclice adokon

Advocate for the Arrelicant

ShritSmt Academa B.K. CPOPRO. for the Rospondent's

disposed of Marco

Tribunal's orders

Date: 20.12.2018

O.A.No.1123 of 2018

A.B. Gawari

....Applicant

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.
- Issue notice returnable on 7.1.2019.
- 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 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. Applicant is directed to file affidavit of compliance and notice.
- 7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. S.O. to 7.1.2019.

DATE: 20/12/18
CORASI
Hon'ole Shri. A. P. Kurhekar, Member (J)

APPEARANCE Entert KR Jagdale

Advocate for the Applicant

Shriten to Us. S. P. Manchel C.P.O.P.C. Tor the Respondent's

Adi/S.O. to 7 1 19.

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