

**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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders</p>
<p>DATE: <u>21/11/16</u>  CORAM: <u>Shri R.B. Malik (M/J)</u>  Hon'ble Justice Shri A. H. Joshi (Chairman)  Hon'ble Shri M. Rameshkumar (Member) A  APPEARANCE:  <u>S.P. Manchekar</u>  Advocate for the Applicant  <u>H. G. Gohad</u>  Shri/Smt. ....  C.P.O./ P.O. for the Respondent/s  Adj. To: <u>MA is allowed.</u>  <i>[Signature]</i></p>	<p><b><u>M.A. No. 475/2016</u></b>  <b>in</b>  <b><u>O.A.No. 1089/2016</u></b></p> <p><b>Smt U. A. Gadale &amp; Ors ... Applicants</b></p> <p><b>V/s.</b></p> <p><b>The State of Mah. &amp; ors. ... Respondents</b></p> <p>Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Ms N.G. Gohad, the learned P.O. holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.</p> <p>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.</p> <p>Sd/- _____  <u>21.11.16</u>  (R.B. Malik)  Member (J)  21.11.2016  (vsm)</p>

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

Tribunal's orders

**O.A.No. 1089/2016**

**Smt U. A. Gadale & Ors ....Applicants**

**V/s.**

**The State of Mah. & ors. ... Respondents**

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

The arguments are heard to the extent of consider the question of grant of interim relief as for today. Ms Manchekar restricted even that aspect of the matter in relation to the first applicant. However, the facts are such that I am not disposed to grant any interim relief today because I make it clear that the respondents should not be dragging their feet along with and must file the affidavit in reply on the next date. Liberty even otherwise reserved for the applicant to review a request for interim relief next time or even thereafter.

The O.A. stands adjourned for affidavit-in-reply too.

On the oral request, the learned Advocate Ms Manchekar is allowed to amend the O.A. to incorporate the grievance vis-a-vis the order of the reversion dated 19.11.2016. The consolidated copy of the O.A. after amendment be filed and copy thereof be also furnished to the other side. Amendment be carried out within three days.

S.O. to 8.12.2016. Hamdast.

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016

(vsm)

DATE: 21/11/16

CORAM: shri R.B. Malik (m/j)  
Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

S.P. Manchekar

Advocate for the Applicant

Shri/Smt. H.G. Sarda holding for  
C.P.O./P.O. for the Respondent/s

shri H.K. Rajpurohit C.P.O. for Rajp.

Adj. To. 8/12/16. Hamdast

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION 998 OF 2016**

**DISTRICT : AHMEDNAGAR**

Shri S.R Ganesh )...Applicant

**Versus**

The State of Maharashtra & others )...Respondents

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

Ms Archana B.K holding for Shri N.K Rjapurohit, earned Chief Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**DATE : 21.11.2016**

**ORDER**

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Ms Archana B.K holding for Shri N.K Rjapurohit, earned Chief Presenting Officer for the Respondents.

2. This matter came for up admission before this Tribunal on 17.10.2016. The Respondents were directed to file affidavit in reply restricting to the issue of interim relief, apart from the issue of maintainability of the Original Application. Time of almost five weeks was granted to the Respondents to file affidavit on this short issue.

RH

3. However, today learned Presenting Officer states that she has received instructions, but nobody is present from the office of the Respondents in the Tribunal.

4. Learned Advocate Shri Bandiwadekar stated that the Applicant was never arrested and was never in detention and therefore, there is absolutely no question of placing him under 'deemed suspension'. There is no provision under the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 of placing a person under deemed suspension unless he has been under detention for more than 48 hours. As the Applicant was never kept under detention, there is no question of placing him under suspension and therefore, the order dated 22.8.2016 is void ab initio. Learned Advocate Shri Bandiwadekar stated that the order mentions para 9(c) of G.R dated 12.2.2013 in placing the Applicant under deemed suspension. He pointed out that the aforesaid provisions is not at all applicable in the case of deemed suspension and the order has been passed on erroneous application of G.Rs and rules.

5. Learned Advocate Shri Bandiwadekar also stated that the Chief Engineer is not the appointing authority of the Applicant and the appointing authority is the State Government. As such the Chief Engineer had no authority to pass the order of deemed suspension as regards the Applicant. He stated that there are many illegalities in the impugned order, <sup>so</sup> ~~that~~ the order needs to be stayed and the applicant may be allowed to work as if he was not suspended. Rd

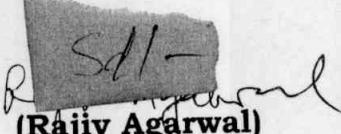
6. Learned Presenting Officer sought time to file reply. However, considering the fact that more than one month's time was given to the Respondents to file a short reply regarding grant of interim relief sought by the Applicant, <sup>for extension of time</sup> this request ~~cannot~~ does Rd

Mh

not appear to be serious. In my opinion, prima face case is made out to stay the impugned order dated 22.8.2016.

7. Accordingly, interim relief in terms of clause 10(a) is granted. Applicant will be allowed to continue and work as before the impugned order of suspension was passed by the Respondents.

8. S.O to 28.11.2016. Hamdast.

  
**(Rajiv Agarwal)**  
**Vice-Chairman**

**Place : Mumbai**  
**Date : 21.11.2016**  
**Dictation taken by : A.K. Nair.**

**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
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**M.A. No.479/2016**  
**in**  
**O.A.No.179/2016**

**Dr.S. A. Mahajan & Ors** ... Applicants

V/s.

**The State of Mah. & ors.** ... Respondents

Heard Shri G. Sadavarte, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned P.O. for the Respondents.

This is not <sup>a</sup>the matter that requires to be prolonged unnecessarily. <sub>2</sub>

Amendment as prayed is allowed to be carried out within three working days from today.

<sup>A</sup>The consolidated copy after amendment be filed and copy thereof be furnished to the learned P.O.. Additional affidavit be filed within two weeks.

<sup>M.A. is allowed.</sup>  
DA S.O. to 5.12.2016

Sd/- <sub>11/16</sub>

(R.B. Malik)  
Member (J)  
21.11.2016

(vsm)

DATE: 21/11/16

CORAM: Shri R.B. Malik (M/J)  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt.: G. Sadavarte

Advocate for the Applicant

Shri/Smt.: A.J. Chougule  
C.P.O / P.O. for the Respondent/s

Adj. To: MA is allowed.

O.A.S.O. to 5/12/16

*Handwritten initials*

**O.A.No.985/2016**

# 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
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## O.A.No.919/2016

H.R. Jadhav ... Applicant

V/s.

The State of Mah. & ors. ... Respondents

Heard Smt A.T. Javeri, the learned Advocate for the Applicant, Shri M.D. Lonkar, the learned Special Counsel with Smt. Kranti Gaikwad, the learned Presenting Officer for the respondents.

Smt Javeri, the learned Advocate prays for adjournment to file ~~another~~ Affidavit-in-Rejoinder. The request is granted.

The learned Special Counsel makes a grievance that the applicant is not accepting the charge sheet. He may place on record the same ~~action~~ of a praecipe during course of the day. *by way*

It is recorded that it is responsibility of the applicant to collect the copy <sup>of</sup> whatever <sup>is</sup> filed today by the respondents during course of the day.

S.O. to 5.12.2016.

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016

(vsm)

DATE: 21/11/16

CORAM:

*Shri R.B. Malik (M)*  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. A.T. Javeri

Advocate for the Applicant

Shri/Smt. M.D. Lonkar spk counsel

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

*with smt K.S. Gaikwad, P.O. for Rg/S*

Adj. To 5.12.16

*[Signature]*

*21/11/16*

# 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.....)

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**O.A.No.877/2016**

**S. M. More** ... Applicant

V/s.

**The State of Mah. & ors.** ... Respondents

Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt Kranti Gaikwad, the learned P.O. for the Respondents.

It does not appear necessary that the Original Application must proceed any further. ~~Regard being had to admission that one finds in the affidavit-in-reply.~~

The learned P.O. seeks three months time. Regard being had to the fact and the fact that the first order made on 7.9.2016. I am of the opinion that needful must be done within four weeks from today and no more time would be given despite of persuasive submission of the learned P.O. *all*

Adjourned to 19.12.2016.

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016

21-11-16

DATE: 21/11/16

CORAM:

shri R.B. Malik (mj)  
Hon'ble Justice Shri A. H. Joshi (Chairman)

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

APPEARANCE:

Shri/Smt: K.R. Jagdale

Advocate for the Applicant

Shri/Smt: K.S. Gaikwad

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

Adj. To: 19/12/16

(vsm)



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

**O.A.No. 1091/2016**

**A. G. Phulsange** ... Applicant

**V/s.**

**The State of Mah. & ors.** ... Respondents

Heard Shri B. A. Bandiwadkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned P.O. for the Respondents.

Issue notice returnable on 20.12.2016.

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. 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 20.12.2016. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016

(vsm)

DATE: 21/11/16

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. B.A. Bandiwadkar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

Adj. To..... 20/12/16.....

BPT

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

**O.A.No. 1086/2016**

**S. B. Sumbe ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri B. A. Bandiwadekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned P.O. for the Respondents.

Issue notice returnable on 20.12.2016.

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. 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 20.12.2016. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016

(vsm)

DATE: 21/11/16

CORAM:

Shri R.B. Malik (M/J)  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

Adj. To: 20/12/16

B.K.

16

# 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
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### O.A. No.173 /2007

**P.T. Murudkar & Ors. ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Ms S. Suryawanshi, the learned P.O. for the Respondents.

Perused the communication dated 21.11.2016, from the Deputy Commissioner (Estt), State Excise (MS). Both the sides are **ad-** idem that mostly by acceptance of the promotion and in few cases by refusing to accept the same, the grievance of all the applicants herein is appropriately addressed for all practical purpose.

The Original Application become infructuous and **is** as such disposed of with no order as to costs.

DATE: 21/11/16

CORAM: Shri R.B. Malik (M)

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

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

APPEARANCE:

Shri/Smt. K.R. Jagdale

Advocate for the Applicant

Shri/Smt. S. Suryawanshi

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

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

B.T.

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016

(vsm)

# 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
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### O.A.No. 336/2016

**B. R. Rangari** ... Applicant

V/s.

**The State of Mah. & ors.** ... Respondents

Heard Shri B. A. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned P.O. for the Respondents.

The applicant does not want to file rejoinder. The Original Application is admitted, liberty to mention.

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016

(vsm)

DATE: 21/11/16

CORAM: Shri R.B. Malik (M/J)  
Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad  
C.P.O. / P.O. for the Respondent/s

Ag. To: admit. Liberty to mention.

*[Handwritten signature]*

**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.....)

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<p><b>DATE:</b> <u>21/11/16</u></p> <p><b>CORAM:</b> <u>Shri R.B. Malik (mb)</u> <del>Hon'ble Justice Shri A. H. Joshi (Chairman)</del> Hon'ble Shri M. Rameshkumar (Member) A</p> <p><b>APPEARANCE:</b> <u>A.D. Sonkavade holding for</u> <u>D.B. Khaire</u> Advocate for the Applicant <u>Shri/Smt. A.J. Chougule</u> C.P.O / P.O. for the Respondent/s</p> <p>Adi. To <u>Admit. Liberty to</u> <u>mention is granted.</u></p> <p style="text-align: right;"><i>14/11/16</i></p>	<p style="text-align: center;"><b><u>O.A.No.226/2016</u></b></p> <p><b>G. S. Musmade</b> ... Applicant</p> <p style="text-align: center;"><b>V/s.</b></p> <p><b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Shri Sonkavade, the learned Advocate holding for Shri D.B. Khaire, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.</p> <p>The rejoinder is taken on record. Admit, liberty to mention is granted.</p> <div style="text-align: right; border: 1px solid black; width: 150px; height: 40px; margin: 10px auto;"></div> <p style="text-align: right;">Sd/- <i>sb</i> (R.B. Malik) Member (J) 21.11.2016</p> <p>(vsm)</p>

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

**O.A.No.985/2016**

**S. A. Shinde ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri D. H. Pawar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents.

Issue notice returnable on 20.12.2016.

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. 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 20.12.2016. Learned P.O. do waive service.

DATE: 21/11/16

CORAM: Shri R.B. Malik (m/j)

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri D. H. Pawar

Advocate for the Applicant

Shri/Smt. S. Suryawanshi

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

Adj. To 20/12/16

BTE

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016

(vsm)

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Tribunal's orders

**O.A.No. 986/2016**

**R. V. White ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

DATE: 29/11/16

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

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. : D.H. Pawar

Advocate for the Applicant

Shri/Smt. : S. Suryawanshi

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

Adj. To: 20/12/16

*B.K.*

DATE:

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. :

Advocate for the Applicant

Shri/Smt. :

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

Adj. To:

Adj. To:

Heard Shri D. H. Pawar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents.

Issue notice returnable on 20.12.2016.

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. 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 20.12.2016. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 21-11-16  
Member (J)  
21.11.2016

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Tribunal's orders

**O.A. No.1065/2016**

**E.L. Barshinge** .....Applicant

V/s.

**State of Mah. & Ors.** .....Respondents

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt Kranti Gaikwad, the learned Presenting Officer for the Respondents.

The same interim order as made in O.A.No.1066/2016 & O.A. No.1067/2016 on account of the fact that the facts are similar the same order is passed. For facilitate, the same order is reproduced herein below:-

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

The matter is taken up for consideration of urgent relief. The O.A. is in the state of infancy as of now on the issue of granting relief, the learned advocate submit has already been concluded by the judgment of full bench and Division Bench of this Tribunal. If that be so, it appears quite possible that the OA itself can be disposed of early.

I shall grant short date for reply making it clear that the date appointed by me must be followed and next date for reply as well as for hearing depending upon the circumstances either for interim relief or final disposal. It is also made clear that as of today and from now onwards, OA is pending before this Tribunal and whatever steps are taken will be subject to the outcome of this OA.

With this, I direct issuance of notice returnable on 1.12.2016.

Issue notice returnable on 1.12.2016.

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

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

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

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

S.O. to 1<sup>st</sup> December, 2016."

S.O. to 1<sup>st</sup> December, 2016.

DATE: 21/11/16

CORAM:

Shri R.B. Malik (M/J)

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt.: B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt.: K.S. Gaikwad

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

Adj. To: 11/12/16

B.A.

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016



**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
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**O.A.No. 156/2016**

**Smt K. A. Jamdar ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri G.M. Savagave, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned P.O. for the Respondents.

This Original Application has become Part-Heard. It appears, however, that there was no reason why a list showing the marks obtained by the candidates was brought on record for the selection of Police Patil of Village Nerle, Tal. Shahuwadi, Dist. Kolhapur.

The learned P.O. in all fairness submits that she will get the said list and also submits that the applicant was shown having scored 19% marks, clause 9 of the "Jahirnama" and the documents relevant to this may also be produced.

S.O. to 7.12.2016.

DATE: 21/11/16  
CORAM: Shri R.B. Malik (M)  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Rameshkumar (Member) A  
APPEARANCE:  
Shri/Smt.: G.M. Savagave  
Advocate for the Applicant  
Shri/Smt.: K.S. Gaikwad  
C.P.O / P.O. for the Respondent/s  
Adj. To: Heard Partly

S.O. to 7/12/16.

*P.H.  
etc*

Sd/-

(R.B. Malik)  
Member (J)  
21.11.2016

**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
<p><b>DATE:</b> 21/11/16</p> <p><b>CORAM:</b> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>A.V. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>Archana B.K.</u> C.P.O./P.O. for the Respondents <u>A.M. Misal for R.No. 2.</u> Adj. To <u>S.O. to 5/12/16.</u></p>	<p><b>21.11.2016</b> <b><u>O.A No 1080 /2016</u></b></p> <p>Dr Y.G Jagtap ... Applicant Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>1. Heard Shri A.V Bandiwadkar, learned advocate for the applicant, Ms Archana B.K learned Presenting Officer for the Respondents, no. <del>1, 3, 4, 5, 6, 7</del> and Shri Misal, learned advocate for Respondent no. 2</p> <p>2 Issue notice before admission made returnable on 5.12.2016.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7. S.O 5.12.2016.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice-Chairman [P.T.O.]</p>

2

**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
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**21.11.2016**

**O.A No 677/2016**

Shri N.S Parbhane ... Applicant  
Vs.  
The State of Maharashtra & Ors... Respondents

Heard Ms Swati Manchekar, learned advocate for the applicant and Ms Swati Suryavanshi, learned Presenting Officer for the Respondents.

Learned Advocate Ms Swati Manchekar files affidavit in rejoinder.

O.A is admitted. Respondents are at liberty to file sur-rejoinder, if need be.

Place for Final hearing on 6.12.2016.

**DATE:** 21/11/16

**CORAM:**  
Hon'ble Shri. RAJIV AGARWAL  
(Vice - Chairman)  
~~Hon'ble Shri R. B. MALIK (Member)~~

**APPEARANCE:**  
~~Shri/Smt. ...~~ S.P. Manchekar  
Advocate for the Applicant  
~~Shri/Smt. ...~~ Swati Suryavanshi  
C.P.O./P.O. for the Respondents  
Rejoinder filed by Appli.  
~~Adv. ...~~  
O.A. is admitted.  
S.O. to 6/12/16.  
FH  
Akn

Sd/-  
(Rajiv Agarwal)  
Vice-Chairman

**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
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**21.11.2016**

**O.A No 902/2016**

Shri V.D Savant ... Applicant  
Vs.  
The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

Learned Presenting Officer states that this matter is regarding Divisional Cadre allotment and as per work distribution, it should be heard by Division Bench. Learned Presenting Officer agrees to provide copies of Mantralaya file noting to the Applicant and place the same on record of the Original Application within two days

Reply has already been filed and the Original Application has also been admitted.

Place for final hearing before Division Bench on 28.11.2016.

**DATE:** 21/11/16  
**CORAM:**  
 Hon'ble Shri. RAJIV AGARWAL  
 (Vice - Chairman)  
 Hon'ble Shri R. B. MALIK (Member)  
**APPEARANCE:**  
 Shri/Smt. M.D. Lonkar  
 Advocate for the Applicant  
 Shri/Smt. K.S. Gaikwad  
 C.P.O./P.O. for the Respondents  
 Adj. B. 28/11/16  
 before  
 Division Bench.

FH  
@16

Sd/-  
(Rajiv Agarwal)  
Vice-Chairman

Akn

**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
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**21.11.2016**

**M.A 343/2016 in O.A 896/2016**

Shri P.B Abhang ... Applicant  
Vs.

The State of Maharashtra & Ors... Respondents

Heard Ms S.P.Manchekar, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

This Misc Application has been filed seeking condonation of 25 days delay in filing O.A.

The reason for the delay has been adequately explained in the Misc Application. Though learned P.O has opposed grant of condonation of delay, considering the facts of the case that a very short delay is sought to be condoned and the reasons have been adequately explained the M.A for condonation of delay is allowed with no order as to costs.

Original Application no 896/2016 be placed on Board on 5.12.2016.

~~DATE:~~ 21/11/16

~~CORAM:~~  
Hon'ble Shri. RAJIV AGARWAL  
(Vice - Chairman)  
Hon'ble Shri R. B. MALHE (Member)

~~APPEARANCE:~~  
Shri/Smt. Ms. S.P. Manchekar

~~Advocate for the Applicant~~  
Shri/Smt. Archana B.K.  
~~C.P.O/P.O. for the Respondents~~

~~Adj. B.~~ M.A. is Allowed  
O.A. is Adj. to 5/12/16.

Akn

Sd/-  
(Rajiv Agarwal)  
Vice-Chairman

**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
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**21.11.2016**

**O.A No 260/2015**

Shri S.L Ghorpade & Ors ... Applicants

Vs.

The State of Maharashtra & Ors... Respondents

Heard Ms Rutuja Chakor, holding for Shri M.B Gawade, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

Affidavit in reply has been filed by the Respondents. Ms Rutuja Chakoar states that she does not wish to file rejoinder.

O.A is admitted. *This may be kept for final hearing on the next date.* Respondents are at liberty to file sur-rejoinder, if need be.

S.O to 16.12.2016.

**DATE:** 21/11/16

**CORAM:**

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

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

**APPEARANCE:**

Shri/Smt. *Rutuja Chakor*  
holding for *M.B. Gawade*  
Advocate for the Applicant

Shri/Smt. *Archana B.K.*

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

O.A. is admitted.

**Adj. To**

S.O. to 16/12/16.

Akn

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

**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

**21.11.2016**  
**O.A Nos 1069, 1070, 1071, 1072, 1073 & 1074/2016**

Shri P.K Sahne & Others ... Applicants  
Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri P.S Pathak, learned advocate for the applicants and Shri N.K. Rajpurohit, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 19.12.2016.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

7. S.O 19.12.2016.

**DATE:** 21/11/16

**CORAM:**

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

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

**APPEARANCE:**

Shri/Smt. P.S. Pathak

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

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

~~Adj. S.O. to 19/12/16.~~

Sd/-

(Rajiv Agarwal)

Vice-Chairman IPTO.

**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
<p><b>DATE:</b> <u>21/11/16</u></p> <p><b>CORAM:</b>  Hon'ble Shri. RAJIV AGARWAL  (Vice - Chairman)  <del>Hon'ble Shri R. B. MALIK (Member)</del></p> <p><b>APPEARANCE:</b>  Shri/Smt. <u>A. V. Bandiwadekar</u>  Advocate for the Applicant  Shri/Smt. <u>N. K. Rajpurohit</u>  C.P.O./P.O. for the Respondent</p> <p><u>13/12/16</u>  Adj. <u>[Signature]</u></p>	<p><b>21.11.2016</b>  <b><u>O.A No 1081 /2016</u></b></p> <p>Shri M.G Tamboli ... Applicant  Vs.  The State of Maharashtra &amp; Ors... Respondents</p> <p>1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission made returnable on 13.12.2016.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7. S.O 13.12.2016.</p> <p style="text-align: right;">Sd/-  (Rajiv Agarwal)  Vice-Chairman P.T.O.</p>



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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**C.A.No.86/2016 in O.A.1114/2015 with**  
**C.A. No.89/2016 in O.A.674/2016**  
**With C.A.No.90/2016 in O.A.675/2016**

**Shri B.S. Karad & 2 others ... Applicant**  
**V/s.**  
**The State of Mah. & ors. ... Respondents**

Heard Shri. M.D. Lonkar, the learned Advocate and Shri A.A. Gharate, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

These Contempt Applications were called out in the morning. The first respondent Shri Pradeep Kumar, the Secretary, M.P.S.C. was not present. Shri V.N. More, the Chairman, M.P.S.C. was also not present and he is not even now present.

We were not at all satisfied with the state of affairs. In fact, we might have taken a strong step including but not only of issuance of warrant. However, as a result of persuasion of the learned C.P.O. with great reluctance these Contempt Applications were kept back and are now called back again.

Shri Pradeep Kumar, the Secretary, M.P.S.C. is present. The learned C.P.O. informs that an affidavit is in the process of being prepared. Depending upon the recitals therein, we shall take a decision about further course of action. Shri Pradeep Kumar, the Secretary, M.P.S.C. explains that he was busy with the Principal Secretary, G.A.D. in the morning that is absolutely unacceptable. It needs to be, however noted that he expresses regrets. As we mentioned just now the issue of any further course of action shall await filing of the affidavit which we are told is in the process of being filed.

As far as the Contemnor no.2, Shri V.N. More is concerned, the learned C.P.O. informs that he is busy with conducting interviews at Amravati. There is no affidavit and no other enabling documents for us to make up our mind in that behalf. A reference is made to M.P.S.C. rules saying that Chairman of the M.P.S.C. should not be made a party. We still have not understood as to how the said rules are ipso facto applicable to the proceedings before this Tribunal.

We stay our hands making it clear that this is not a final word there about. The learned C.P.O.'s undertaking that he shall file a proper affidavit is accepted.

These matters stand adjourn to 29.11.2016.

Sd/-

Sd/-

(R.B. MALIK)  
 MEMBER (J)  
 21.11.2016

(RAJIV AGARWAL)  
 VICE-CHAIRMAN  
 21.11.2016

**DATE:** 21/11/16

**CORAM:**

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

Hon'ble Shri R. B. MALIK (Member) ✓

**APPEARANCE:**

Shri/Smt. M.D. Lonkar  
 and A.A. Gharate  
 Advocates for the Applicants

Shri/Smt. N.K. Rajpurohit  
 C.P.O./P.O. for the Respondents

Adj. To

29/11/16.  
 RA 80, 31232/16.

**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
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**21.11.2016**

**O.A No 1053/2016**

Shri K.P Shinde ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri K.A Shinde, applicant in person and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

Affidavit in reply has been filed by the Respondents. Shri Shinde, states that he wishes to file rejoinder.

S.O to 28.12.2016.

**DATE:** 21/11/16

**CORAM:**

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

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

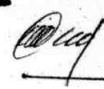
**APPEARANCE:**


Shri/Smt. - K.A. Shinde  
Advocate for the Applicant in person.

Shri/Smt. - R. B. Bhise

C.POTPO. for the Respondents

Adj. to S.O. to 28/12/16.

 Akn

Sd/-   
(Rajiv Agarwal)  
Vice-Chairman

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

**O.A.1071/2013**

**Shri B. D. Chavan** ... Applicant

V/s.

**The State of Mah. & ors.** ... Respondents

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

After some debate at bar, the applicant is directed to implead the State of Maharashtra, G.A.D. as party Respondent No.3 by suitable amendment to be carried within a period of two weeks from today and post amended copy thereof be served in accordance with the rules to <sup>newly</sup> added respondent.

In so far as the Affidavit-in-Reply to post amendment is concerned, the respondent shall clarify in their Affidavit-in-Reply, the policies regarding appointment to be given to the nominees of the Freedom Fighter and if at any time said policy is changed or altered.

Adjourned to 13.12.2016.

Sd/-

Sd/-

(R.B. MALIK)  
MEMBER (J)  
21.11.2016

(RAJIV AGARWAL)  
VICE-CHAIRMAN  
21.11.2016

DATE: 21/11/16

CORAM:

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/ Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/ Smt. A.J. Chougule

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

Adj. To. Adj. to 13/12/16

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

**O.A.1213/2013**

**Shri A.L Jawanjal**  
V/s.

... Applicant

**The State of Mah. & ors.**

... Respondents

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

The affidavit-in-reply of the Respondent no. 1 has been filed. Original Application proceeds without Affidavit-in-Reply of the Respondent No.2.

Adjourned for Affidavit-in-Rejoinder and Affidavit-in-Reply of Respondent no.2

S.O. to 5.12.2016.

DATE: 21/11/16

CORAM:

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. A.J. Chougule

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

Adj. To S.O. to 5/12/16.

(R.B. MALIK)  
MEMBER (J)  
21.11.2016

(RAJIV AGARWAL)  
VICE-CHAIRMAN  
21.11.2016

(vsm)