IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

O.A.No.346 of 2016

Shri Vilas Vishvanath Dusane & Ors. ...Applicants

Vs.

The Maharahstra Public Service Commission & Ors. ...Respondents

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

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

DATE : 22.04.2016.

ORDER

1. Heard Ms. Ms. S.P. Manchekar, learned Advocate for the Applicants and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 7.06.2016.

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

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

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

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

7. M.P.S.C., the Respondent No.1 waives service.

8. Other Respondents be served.

9. Learned Advocate for the Applicant has pressed for granting interim relief on the ground that the process of selection is under cloud of serious illegality.

10. Heard on the part of interim relief. During the course of hearing it has transpired that the Applicant has focused on two grounds as follows:-

(a) The number of candidates selected for oral interview are not in requisite proportion i.e. 1:3.

(b) The marks secured by the candidates in the screening test has been taken in to consideration while selecting the candidate.

11. It is seen that going by ratio of posts/ vacancies to candidates i.e. 1:3, 36 candidates have to be called while only 34 are called for viva.

12. During the oral submission, after taking instructions from Shri Vivek Deshmukh, Under Secretary and Shri Sanjay Sherkar, Assistant Desk Officer of Respondent No.1, learned P.O. has answered stating that ratio of 1:3 has to be applied with reference of different categories and not on the sum total of the number of vacancies.

13. In so far as, the aspect that marks secured by the candidates in screening test should not be taken into account/consideration at the time of preparation of merit list of candidates to be selected, is concerned. The point is arguable however if it is done that way, there exists a risk of selection to be guided

totally upon by *viva- voce*, which position has serious limitations and de-merits of the selection process being shadowed by subjectivity.

14. Considering the aspect, hereinbefore noted the seriousness has to be viewed in the light of reply. In these premisses it is considered necessary to have detailed reply of the M.P.S.C., on record.

15. Leanred P.O. for the Respondents prays for three weeks time for filing reply. Reply be filed within three weeks from today. It is hoped that reply would be filed on or before 12.05.2016.

16. Therefore, in so far as interi relief is concerned, it shall suffice to observe that appointee may be informed that the appointment shall be subject to outcome of this O.A.

17. In case by date of hearing, the progress of appointment is not completed, the Applicant would be free to pursue the prayer for interim relief.

18. Learned P.O. for the Respondents is directed to communicate this order to the Respondents. Steno copy and Hamdast is allowed.

19. S.O. to 7.6.2016.

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

sba

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

C.A.No.116 of 2015 in O.A.No.431 of 2014

Shri Rakesh Vasant 5alunke & Ors. ...Applicants

Vs.

The Commissioner, 5tate Excise & ors.

...Respondents

Shri S.S. Dere, the learned Advocate holding for Shri A.V. Bandiwadekar, the learned Advocate for the Applicants.

Shri K.B. Bhise, learned Presenting Officer for the Respondents.

DATE : 22.04.2016.

ORDER

1. Heard Shri S.S. Dere, the learned Advocate holding for Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant Shri S.S. Dere has pointed out that the Writ Petition filed by the State is dismissed on 15.03.2016, and has tendered a print of the order. It is seen that the order was uploaded by the Hon'ble High Court on 17.03.2016 and the copy was available to the State Government on that day. By today, more than one month's time has already passed.

3. It is evident that the Respondents were aware of filing of contempt application in view that the Writ Petition is filed only after the notice was issued in this application for action of contempt.

4. Though learned P.O. has appeared and representative of Respondent No.2 is present any information is not coming forward. Therefore commission of contempt has become apparent. Respondents are indifferent and supine and have committed contempt openly and prima-facie willfully.

5. Hence cognizance is taken. Issue bailable warrant against the Respondents. The bond amount shall be in sum of Rs.25,000/- for the each Respondents with cash security of Rs.25,000/- to be deposited by each contemnor from his personal account by cheque in this Tribunal on or before the next date.

6. The warrant be issued to the Commissioner of Police, Mumbai with the directions to supervise the service of the warrant on the Respondents, and make report of service of warrant before due date.

7. The Respondents shall appear before this Tribunal to answer to Contempt Application on 5.05.2016. S.O. to 5.5.2016.

8. Learned P.O. is directed to communicate this order to the Respondents. Steno copy and Hamdast is allowed.

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

1. Later on, learned P.O. for the Respondents has mentioned the case states that the order of issue of warrant be kept in abayance, since the Respondent No.2 shall file affidavit on 25.4.2016 stating that the order could be complied within two weeks.

2. Hence, order of issuance of warrant is kept in abayance till 26.4.2016.

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

sba

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 22.04.2016.

O.A.No.40 of 2016

D.D. Gabhale **.... Applicant.**

Versus

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

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

2 Learned P.O. for the Respondents Shri K.B. Bhise has tendered reply to the amended O.A.. It is taken on record.

3. By consent adjourned to 27.04.2016.

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

prk

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakumar (Member) A~~
APPEARANCE :
Shri/Smt. : K. R. Jagdale
Advocate for the Applicant
Shri /Smt. : K. B. Bhise
C.P.O / P.O. for the Respondent/s
Adj. To 27/4/16

[PTO

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 District

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date : 22.04.2016. **O.A.No.143 of 2016** **Dr. S.S. Nashikkar .... Applicant.** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. Heard Shri V.P. Potbhare, the learned Advocate holding for Shri J.N. Kamble, the learned Advocate for the Applicant, Shri K.B. Bhise, the learned Presenting Officer for the Respondents and Shri D.P. Patil, the learned Advocate for the Respondent. 2 Learned Advocate Shri D.P. Patil appearing for added Respondent has tendered reply. It is taken on record. 3. By consent adjourned to 14.06.2016. Sd/- **(A.H. Joshi, J.)** **Chairman** prk

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 22.04.2016.

O.A.No.60 of 2016

M.S. Kawathekar **.... Applicant.**

Versus

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

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents Ms. N.G. Gohad states as follows :-

(a) That office orders required to be issued for payment of arrears of pay and allowances payable to the Applicants upon grant of A.C.P. are passed.

(b) Its compliance will be done within a month's time.

(c) Hearing be adjourned.

3. In view of the request of learned P.O., adjourned to 20.06.2016.

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

Psz

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Kanakasabai (Member) A~~
APPEARANCE :
Shri/Smt. : S.P. Manchekar
Advocate for the Applicant
Shri/Smt. : N.G. Gohad
C.P.O / P.O. for the Respondent/s
Adj. To 20/6/16

[P.T.O.

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

Date : 22.04.2016.

O.A.No.59 of 2016 with O.A.No.61 of 2016 with O.A.No.90 of 2016

A.A. Potnis (O.A.No.59/2016)
S.V. Kulkarni (O.A.No.61/2016)
J.S. Pirgonde (O.A.No.90/2016). .... Applicants.

Versus

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

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents Ms. N.G. Gohad prays for time. The perusal of O.A. reveals that Applicants are claiming benefit of A.C.P.. The benefit is refused on the ground that the Applicants had refused to avail adhoc promotions in past. The Applicants' claim parity on the basis of order passed in group of O.A.s being O.A.Nos.3 to 41 of 2013, copy whereof is on record at page 26.

3. In this background, the Respondent is directed to file affidavit on the following points :-

(a) Whether there exists any legal impediment in granting the benefit of A.C.P. to the applicants.

(b) Reasons as to why the Applicants do not stand on the same footing of the order passed by this Tribunal in O.A.Nos.3 to 41 of 2013, copy whereof is at page 26, Exhibit A-7 of the O.A..

(4) Affidavit be filed on or before 20.06.2016.

(5) The learned P.O is directed to communicate this order to the Respondents. Steno copy and Hamdast is allowed to learned P.O.

(6). S.O. to 20.06.2016.

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

Psz

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : S. P. Manchekar
Advocate for the Applicant
Shri /Smt. : N. G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 20/6/16

4

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

R.A. No.9 of 2016 in O.A. No.300 of 2015

Shri D.A. Patil ..Applicant

Versus

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This RA was heard and closed for orders. However, Ld. PO stated that respondents would like to file affidavit in reply to the RA. The matter was, therefore, kept for hearing yesterday when Ld. PO sought time to file reply. She is now seeking one week's time to file reply. In the interest of justice last chance is granted to the Respondents to file reply in this RA. It is clarified that it is a RA and it is not absolutely necessary that the affidavit of respondents be placed on record. If it is not filed on the next date the matter will be heard finally and closed for orders. Shri Sudeep S. Rawale, Assistant, Finance Department, Mantralaya, is present. The order passed today is explained to him in Marathi and it is ascertained that he has understood it. S.O. to 29.4.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman
22.4.2016

(sgj)

DATE: 22/4/16

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

Order passed as the Tribunal's codeemn.

~~Adj. To~~

S.O. to 29/4/16.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.603 OF 2015

DISTRICT: SOLAPUR

S.S. Navle & Ors. **.... Applicants.**

Versus

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

Shri U.S. Sawji, the learned Advocate for the Applicants

Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 22.04.2016.

ORDER

1. Heard Shri U.S. Sawji, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2 Applicants have challenged the impugned communication dated 01.07.2015, transferring the Applicants who are Armourers, to work in other assignments.

3. In reply, Respondents have come with a plea that the Rule 39(3) of the Maharashtra Police Manual 1999, included in part 3 thereof is revoked/ cancelled.

4. According to learned Advocate for the Applicants Shri U.S. Sawji the circular of the Additional Director General of Police (Establishment) dated 20.08.2015 revoking / deleting Rule 39(3) aforesaid is already under challenge before the Hon'ble High Court Bench at Aurangabad, in the Public Interest Litigation.

5. Learned Advocate Shri U.S. Sawji was asked as to whether the order dated 20.08.2015 issued by the Additional Director General of Police (Establishment) is stayed by the Hon'ble High Court. Learned Advocate Shri U.S. Sawji has replied in negative.

6. In view that Rule 39(3) is deleted from the Maharashtra Police Manual 1999, there would be no restrain on the Respondents in transferring the Armourers for any other services. In this background, it would not be proper to grant any interim relief.

7. Hence, request for interim relief is refused.

8. In the above premises, the O.A. is admitted. Let the O.A. come up for hearing in due course.

Sd/-

(A.H. Joshi, J)
Chairman

prk

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. : A.V. Sakolkar
Advocate for the Applicant
Shri /Smt. : A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To 3/5/16.

Date : 22.04.2016.

O.A.No.329 of 2016

S.K. Kedare .... Applicant.

Versus

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

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

2. Learned Advocate for the Applicant Shri A.V. Sakolkar states that this Tribunal has issued notice on the earlier date when learned Advocate was not present and he could not address this Tribunal on interim relief.

3. Learned Advocate Shri A.V. Sakolkar wants to argue the case for hearing on interim relief and prays for opportunity to argue.

4. Fix the O.A. for hearing on 03.05.2016.

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

prk

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 22.04.2016.

C.A.No.31 of 2016 in O.A.No.914 of 2013

Dr. Smt. Hemalata Balkrishna Handare ...Applicant

Vs.

The State of Maharashtra and Ors. ...Respondents

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant Ms. S.P. Manchekar states as follows:-

> Applicant has given undertaking before Hon'be High Court in Writ Petition No.3831 of 2016 that Applicant shall not pursue the Contempt Application.

3. In view of the statement, learned Advocate for the Applicant prays for adjourning the hearing.

4. S.O. to 22.08.2016 with liberty to circulate before due date with contempt applicant if occasion arises.

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

sba

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh~~ ~~(Member) A~~
APPEARANCE :
Shri/Smt. S.P. Manchekar
Advocate for the Applicant
Shri/Smt. : N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 22/8/16

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 22/4/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri Rajiv Agarwal (Member) A~~ A.R. Rathod Shri K.B. Bhise C.P.O Adj. To 17/6/16 before the bench presided over by Hon. V/C.	**Date : 22.04.2016.** **O.A.No.708 of 2015** **S.R. Rathod .... Applicant.** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. Heard Shri A.R. Rathod, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 2. In view of the order dated 16.03.2016, let the O.A. be listed appropriately on 17.06.2016, before the Bench presided over by Hon'ble Vice-Chairman Shri Rajiv Agarwal. Sd/- **(A.H. Joshi, J.)** **Chairman** prk

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 22.04.2016.

C.A.No.39 of 2016 in O.A.No.421 of 2003

S.N. Bawane & Ors. **.... Applicants.**

Versus

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

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. At the request of learned P.O. for the Respondents Ms. N.G. Gohad, adjourned to 04.05.2016.

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

prk

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Kanchavalli (Member) A~~
K.R. Jagdale
Counsel for Applicant
N.G. Gohad
C.P.O. / P.O. for the Respondent's

Adj. To 4/5/16.

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders ar directions and Registrar's orders	Tribunal's orders
DATE : 22/4/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. P. Vaishnav (Member) A~~ APPEARANCE: K.R. Jagdale ld. adv. holding for adv. M.D. Lonkar A.J. Chougule ..... C.P.O. for the respondents Adj. To 21/6/2016.	**Date : 22.04.2016.** **O.A.No.543 of 2014** **J.K. Bhosle & Ors. .... Applicants.** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. Heard Shri K.R. Jagdale, the learned Advocate holding for Shri M.D. Lonkar, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. Learned Advocate K.R. Jagdale prays for adjournment. 3. Adjourned to 21.06.2016. Sd/- (A.H. Joshi, J) Chairman prk

[P.T.O.

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

1`Date : 22.04.2016.

C.A.No.63 of 2015 in O.A.No.511 of 2012

K.P. Magar & Ors. **.... Applicants.**

Versus

The 5tate of Maharashtra & Ors **....Respondents.**

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

2. Learned P.O. for the Respondents Smt. K.S. Gaikwad states that the order passed in O.A.No.511/2012 has skipped attention and now would be complied within three months.

3. The Deputy Director, Health Services, Kolhapur is directed to file an affidavit as to the reasons justifying the time required for compliance and assurance to that effect.

4. Learned P.O. prays for a week's time for filing affidavit.

5. Time as prayed for is granted.

6. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondent No.3.

7. For filing affidavit, adjourned to 03.05.2016.

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

prk

DATE : 22/4/16
CORAM :
Hon'ble Judge Shri A. H. Joshi (Chairman)
~~Hon'ble Shri. B. Vaidyanathan (Member) A~~
APPEARANCE :
Shri/Smt. : R.M. Kolge
Advocate for the Applicant
~~Shri/Smt.~~ : K.S. Gaikwad
C.P.O / P.O. for the Respondents

Adj. To 3/5/16.

(G.C.P.) J 2260 (A) (50,000—2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 22.04.2016.

O.A.No. 163 of 2016

Shri Ninda Bhimrao Bhandare & 2 Ors. ...Applicants

Vs.

The State of Maharashtra, & two Ors. ...Respondents

1. Heard Shri S.R. Atre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. In the midst of hearing learned Advocate for the Applicant prays for ~~admission~~ permission to withdraw the O.A. with liberty to file a fresh O.A. for the same purpose and the same prayer with appropriate pleading.

3. S.O. to 3.05.2016.

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

sba

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri Rajivkumar (Member) A~~
S.R. Atre
~~Shri~~ N. G. Gohad
C.P.O. for the Respondent/s

Adj. To 3/5/16

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 22/4/16 CORAM : Hon'ble Shri A.H. Joshi (Chairman) Hon'ble Shri ~~A.P. Kurhekar (Member) A~~ C.T. Chandratre Advocate for Applicant H.G. Gohad P.O. for the Respondents Adj. To 14/6/2016	**Date : 22.04.2016.** **O.A.No. 100 of 2016** **Shri Appasaheb Uttamrao Chavan ...Applicant** **Vs.** **The State of Maharashtra & another ...Respondents** 1. Heard Ms. N.G. Gohad, the learned Presenting Officer for the Respondents. 2. In view of the leave note of learned Advocate for the Applicant, adjourned to 14.06.2016. Sd/- (A.H. Joshi, J) Chairman sba

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 22.04.2016.

M.A.62 of 2016 in C.A.128 of 2015 in O.A.No.993 of 2011

Smt. Sujata Sounik

...Applicant (Orig. Respondent)

Vs.

Dr. K.R. Quadri

...Respondent (Orgi. Applicant)

1. Heard Ms. N.G. Gohad, the learned Presenting Officer for the Respondents (Orgi Applicant) and Shri R.M. Kolge, the learned Advocate for the Applicant (Orgi. Respondent).

2. Learned P.O. for the Applicant (Orgi.Respondent) states as follows:-

(a) Applicant's pension case is under process and pappers are furnished to the office of accountant General, Mumbai.

(b) It is hoped that Applicant's actual pension would take place within two weeks.

3. For awaiting compliance, S.O. to 9.06.2016.

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

sba

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. N.G. Gohad
Advocate for the Applicant Cong. Appl.
Shri/Smt. R.M. Kolge
C.P.O / P.O. for the Respondent/s Cong. Appl.

Adj. To 9/6/2016.

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 22/4/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramakrishnan (Member) A~~ APPEARANCE : Shri/Smt. : A.J. Chougule Advocate for the Applicant (Org. Resp.) Shri/Smt. : K.R. Jagdale C.P.O / P.O. for the Respondent/s (Org. Appl.) Adj. To M.A. disposed of. AHJ	**Date : 22.04.2016.** **M.A.No.578 of 2014 in O.A.No.347 of 2010** **The State of Maharashtra & Ors.** **...Applicants (Orig Respondents)** **Vs.** **Dr. Sitaram Ramrao Chougule** **...Respondent (Orig. Applicant)** 1. Heard Shri A.J. Chougule, the learned presenting Officer for Applicants (Orig. Respondents) and Shri K.R. Jagdale, the learned Advocate for the Respondent (Orig. Applicant). 2. In view of the order passed in C.A.No.92 of 2014, nothing survives in M.A.No.578 of 2014 and the same stands disposed of accordingly. Sd/- (A.H. Joshi, J.) Chairman sba

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 22.04.2016.

C.A.No.92 of 2014 in O.A.No.347 of 2010

Dr. S.R. Chaugule ...Applicant

Vs.

Smt. Sujata Sounik & Ors. ...Respondents

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

2. Learned P.O. for the Respondents states as follows:-

> In view of the compliance of order passed in O.A.No.347 of 2010, the application can be dipsosed of.

3. Contempt Application is disposed of.

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

sba

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
ADVOCATE :
Shri/Smt. K.R. Jagdale
Advocate for Applicant
Shri/Smt. K.B. Bhise
C.P.O / P.O. for the Respondent/s

~~Adj. To~~ CA disposed of.

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 22.04.2016.

O.A.No.219 of 2016

Shri H.J. Nazirkar ...Applicant
Vs.

The Additional Chief Secretary
General Administration Department
& Ors. ...Respondents

1. Heard Shri A.S. Golegaonkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. It is disputed that this Tribunal was ordered in O.A.No.269 of 2016 that appointment if any the post of Director of Town Planning, if made shall be subject to outcome of this O.A.

3. Same order shall be governed in present case.

4. O.A. shall come up for hearing before the bench presided over by Hon'ble Vice Chairman, Shri Rajiv Agarwal on 3.05.2016.

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

sba

DATE : 22/4/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. : A.S. Golegaonkar
Advocate for the Applicant
Shri /Smt. : K.B. Bhise
C.P.O / P.O. for the Respondent/s

Adj. To 3/5/16. before the bench presided over by Hon. V/C

[P.T.O.]

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 22.04.2016.

M.A.No.192 of 2016 with M.A.No.103 of 2016 with M.A.No.190 of 2016 in O.A.No.219 of 2016 with M.A.No.187 of 2016 in O.A.No.219 of 2016

Shri H.J. Nazirkar ...Applicant

Vs.

The Additional Chief Secretary General Administration Department & Ors. ...Respondents

1. Heard Shri A.S. Golegaonkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. By this application Applicant has sought leave to file O.A. at principal seat of this Tribunal at Mumbai though place of ordinary posting of Applicant in Amravati, in the background that impugned order is passed in Mumbai, and cause of action to challegne would ensues at all places of seating of this Tribunal.

3. Therefore M.A. is allowed. Leave to file O.A. is granted.

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

sba

DATE: 22/4/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh kumar (Member) A~~
APPEARANCE:
Shri/Smt. A.S. Golegaonkar
Advocate for the Applicant
Shri/Smt. K.B. Bhise
C.P.O / P.O. for the Respondent/s
Adj. To.....MA is allowed.

(P.T.O.)

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

M.A.191/2016 in O.A.86/2014

Maharashtra Rajya Rekhachitra Shakha Karmachari Sanghatana, Mah. Rajya & Ors. ... Applicants

Versus

1. Principal Secretary, Water Resources Dept, & Ors. ... Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Ms. N.G. Gohad, learned P.O. for the Respondents.

Issue notice returnable on 7.6.2016.

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 four weeks. Applicants are directed to file Affidavit of compliance and notice.

S.O. to 7th June, 2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman
22.04.2016

(skw)

DATE : 22/4/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri~~/Smt. : Punam Mahajan.
Advocate for the Applicant
~~Shri~~/Smt. : N.G. Gohad
~~C.P.O~~/P.O. for the Respondents
~~Adj To~~ S.O. to 7/6/16.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

O.A. No.1044 of 2015

Dr. S.S. Dusane ..Applicant

Versus

The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This Tribunal by order dated 13.4.2016 has directed that the affidavit in reply should be filed on the next date and cost of Rs.5,000/- each was also imposed on respondents no.1 and 2. Though the cost has been deposited today the affidavit in reply is still not forthcoming. Just because cost has been deposited it does not absolve the respondents from their responsibility to file reply in time. For their failure to file reply today cost of Rs.10,000/- each is imposed on respondents no.1 and 2. Ld. PO states that she will file reply within two weeks. The cost should be paid before the expiry of period of two weeks. It is also made clear that reply on behalf of respondent no.1 should be filed by some senior officer working in Mantralaya. S.O. to 10.6.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman
22.4.2016

(sgj)

DATE: 22/4/16

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

order passed in the Tribunal's corridor.

~~Adj. To~~

S.O. to 10/6/16.

(G.C.P.) J 1726(B) (20,000—10-2013) |Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

22.04.2016

O.A No 1019/2015

Shri J.V Patil & Ors ... Applicants

Vs.

State of Maharashtra & Ors ... Respondents

Heard Mrs Punam Mahajan, learned advocate for the applicants and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

This Original Application was heard at considerable length. However, it transpires that the Applicants had been promoted to the post of Police Sub Inspectors from the cadre of Head Constable/A.S.I under Rule 3(a) of the P.S.I Recruitment Rules, 1995. However, it is seen that there is another Rule 3(b) under which also PSIs are appointed on the basis of Limited Departmental Examination conducted by the MPSC. The information submitted in the Original Application at some places does not make any distinction between these two sources of recruitment. To bring out the clear picture, learned Advocate Smt Mahajan seeks time to make sure whether any amendment is required in the O.A.

S.O to 7.6.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 22/4/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri~~/Smt. : Punam Mahajan
Advocate for the Applicant
~~Shri~~/Smt. : K.S. Gaikwad
~~C.P.O~~/P.O. for the Respondents
order passed on the Tribunal's cocleum.
~~Adj. To~~
S.O. to 7/6/16.