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

O.A.133/2016

Shri S.N. Waghmode & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri N.D. Batule, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

Rejoinder is taken on record. Admit. Liberty to mention granted.

To come up in due course. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

Sd/-
(R.B. Malik)
Member (J)
22.08.2016

(skw)

DATE : 22/8/16

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

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

APPEARANCE:

~~Shri/Smt.~~ N.D. Batule

Advocate for the Applicant

~~Shri/Smt.~~ A.J. Chougule

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

Rejoinder filed by Applicant.

~~Admit to~~ OA is Admit.

Liberty to mention granted.

(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

22.8.2016

O.A No 816/2016 & Ors

Shri Mohan Jadhav & Ors ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

During the hearing of the arguments a issue has come up regarding equivalence of Post Graduate degree in PSM as a Degree in Clinical subject. The Applicants in O.A no 816/2016 are vigorously contesting the advice given by the State Government to M.P.S.C that Post Graduate degree in PSM should be treated as Clinical degree. To assist us in coming to a suitable conclusion in this matter the State Government should file a short affidavit clarifying as to why the Post Graduate degree in PSM is not considered essential for promoting/appointing person as Civil Surgeon. Whether in the matter of selection by M.P.S.C for the post of Civil Surgeon a person having Post Graduate degree in PSM can be considered? It may also be clarified that whether it is not the practice that persons holding Post Graduate degree in PSM are generally promoted appointed to the post of District Health Officer. The State Government may also clarify on the basis of which Community Medicine and PSM are treated as one and the same subject.

If the State Government wants to give any further information which may assist this Tribunal, in the matter, the State Government may do so. The said affidavit in reply should be filed before 25th August, 2016. Hamdast.

DATE : 22/8/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri/Smt.~~ Y. P. Deshmukh, J. P. Pothkeare, S. S. Dere, and
Advocate for the Applicant S. P. Manchekar
Shri/~~Smt.~~ M. D. Lonkar
~~C.P.O./P.O.~~ for the Respondents No. 1&2.
~~P.O.~~ Spl. counsel H. B. Bhise for R. 3.
~~Adj. To~~
order passed on the Tribunal's ~~order~~ memo.
S.O. to 26/8/16.
Hamdast.
PH/FOB

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Orfginal 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

22.08.2016

O.A No 553/2016

Shri K.C Sharma ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

None for the Applicant. Heard Smt K.S. Gaikwad, learned Presenting Officer for the Respondent no. 1.

The Respondent no. 1 was asked to file affidavit in reply today and last chance was granted. However, no reply is forthcoming. Cost of Rs. 1000/- is imposed on the Respondent no. 1, which should be deposited in the Registry of this Tribunal before next date.

S.O to 19.9.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

DATE: 22/8/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri E. K. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ None for the Applicant.
~~Advocate for the Applicant~~
~~Shri/Smt.~~ K.S. Gaikwad
~~C.P.O./~~P.O. for the Respondents
~~Adj. To~~ S.O to 19/9/16.

Akn

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicants

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 22/8/16 CORAM : Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) ~~Hon'ble Shri R. B. MALIK (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 Rejoinder filed by Applicant. O.A. is admitted. ~~Adj. To~~ S.O. to 31/8/16. FH Order	**22.08.2016** **O.A No 565/2016** Shri S.P Naik ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Ms Swati Manchekar, learned advocate for the Applicant and Ms Archana B.K. learned Presenting Officer for the Respondents. Learned Advocate Ms Manchekar files affidavit in rejoinder. O.A is admitted. Place for final hearing on 31.8.2016. Sd/- (Rajiv Agarwal) Vice-Chairman Akn

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

..... Respondents/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 22/8/16 CORAM : Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) ~~Hon'ble Shri R. B. MALIK (Member)~~ APPEARANCE : ~~Shri/Smt.~~ Anand Gugle holding for S.S. Dere Advocate for the Applicant ~~Shri/Smt.~~ K.S. Gaikwad ~~C.P.O./P.O.~~ for the Respondents No. 1&2 C.T. Chandratre for R.No. 3. ~~Adv. for~~ M.A. is disposed of. Reply filed by R.No. 1&2 (in MA 257/16).	**22.08.2016** **M.A 256/2016 in O.A No 897/2015** Shri S.M Sagvekar ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri Anand Gugle, holding for Shri S.S Dere, learned advocate for the Applicant, Smt K.S. Gaikwad, learned Presenting Officer for the Respondent nos 1 & 2 and Shri C.T Chandratre, learned advocate for Respondent no. 3. This Misc Application is filed seeking amendment to the Original Application. The Applicant wants to add two more relief clauses in the Original Application. There is no serious objections from the other sides. The M.A for amendment is therefore allowed. Learned Advocate Shri Gugle, stated that he will carry out the amendment within two weeks and serve the amended copy on the Respondents. M.A is accordingly disposed of. Sd/- (Rajiv Agarwal) Vice-Chairman Akn

P.T.O.

4

(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

O.As.626 & 627/2016

Shri D.K. Dhiware & Anr. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

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

Both the OAs are tagged along. Adjourned for reply to 12th September, 2016.

Sd/-
(R.B. Malik)
Member (J)
22.08.2016

(skw)

DATE : 22/8/16
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE :
~~Shri/Smt.~~ K. B. Jagdale
Advocate for the Applicant
Shri ~~/Smt.~~ K. B. Bhise
~~C.P.O./~~P.O. for the Respondents

Adj. To 12/9/16
Reply

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

..... Applicants

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 22/8/16 CORAM : Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) APPEARANCE : Shri/Smt. A.V. Bandiwadekar original Advocate for the Applicant. Shri/Smt. K.B. Bhise C.P.O./P.O. for the Respondents . order passed on the Tribunal's codeemn. Adj To: Contempt Petition shall remain pending and no further steps shall be taken thereof.	**22.8.2016** **Suto Moto C.P no 1/2016 in O.A No 586/2016** Dr S.S Chappalwar ... Applicant Vs. The State of Maharashtra & Ors... Respondents Not on Board. Taken on Board. Learned Advocate for the Original Applicant Shri Bandiwadekar is present. Shri Bhise, learned P.O for the Respondents. As already indicated, the matter is not on Board today. An order dated 9.8.2016 in W.P no 9038/2016 (State of Maharashtra & Ors Vs. Dr S.S Chappalwar) is placed before us, which reads as follows:- "Stand over to 19th August 2016. The Maharashtra Administrative Tribunal shall not proceed to hear the contempt proceedings." This fact has been brought to our notice by our office just now. Therefore, until further orders, this Suo Moto Contempt Petition shall remain pending and no further steps shall be taken thereof. Sd/- Sd/- (R.B. Malik) (Rajiv Agarwal) Member (J) Vice-Chairman Akn

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

O.A.575/2016

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

Heard Shri A.S. Deshmukh, the learned Advocate for the Applicant and Shri K.B. Bhise holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Rejoinder is taken on record. Admit. S.O. to 30th September, 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.

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

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

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

Sd/-
(R.B. Malik)
Member (J)
22.08.2016

(skw)

DATE: 22/8/16
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice Chairman)~~
~~Hon'ble Shri~~ R.B. MALIK (Member)
APPEARANCE:
~~Shri/Smt.~~ A.S. Deshpande
Advocate for the Applicant
~~Shri/Smt.~~ K.B. Bhise
~~C.P.O./~~ P.O. for the Respondents
holding for H.K. Rajpurohit.
~~Adj. To:~~ Rejoinder filed by Applicant.
O.A. is Admit.
S.O. to 20/9/16.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

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

O.A.188/2016

Shri M.J. Garad ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Rejoinder not filed. Proceed without Rejoinder. In view of the absence of the Applicant, a fixed date is given as 6th September, 2016 for hearing, failing which for dismissal.

Sd/- 22.8.16

(R.B. Malik)
Member (J)
22.08.2016

(skw)

DATE : 22/8/16

CORAM :

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE :

~~Shri/Smt.~~ Applicant and Advocate absent.

Advocate for the Applicant

Shri/Smt. A.J. Chougule

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

~~Adj. To~~ S.O. to 6/9/16.

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

O.A.346/2016

Shri V.V. Dusane & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Ms. S.P. Manchekar and Shri S.S. Dere, the learned Advocates for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Rejoinder is taken on record. Admit. To be tagged along with OA 399/2016. Liberty to mention granted.

To come up in due course. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

Sd/-

(R.B. Malik)
Member (J)
22.08.2016.

(skw)

DATE: 22/8/16
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. Malik (Member) J
APPEARANCE:
~~Shri/Smt.~~ S.P. Manchekar and S.S. Dere.
Advocate for the Applicants.
Shri ~~Smt.~~ K.B. Bhise
~~C.P.O.~~ P.O. for the Respondents
Rejoinder filed by Applicant. (OA 346/16)
~~Adj. To:~~ O.A. is Admit
Liberty to mention granted.

6

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

DATE: 22/8/16

CORAM:

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

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

APPEARANCE:

~~Shri~~ K. R. Jagdale

~~Advocate for the Applicant.~~

Shri. M. K. Rajpurohit

CPO ~~for the~~ Respondents

Rejoinder filed by Applicant.

~~Adj. to~~

O.As. are admit.

Liberty to Mention granted.

O.As.208 to 210/2016

Shri T.S. Patole & Ors. ... Applicants

Vs.

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

Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Shri A.J. Chougule holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Rejoinder is taken on record. Admit. Liberty to mention granted.

To come up in due course. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

Sd/- 22.8.16

(R.B. Malik)
Member (J)
22.08.2016

(skw)

O.A.834/2016

Shri K.D. Shaha ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Issue notice returnable on 19.09.2016.

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 19th September, 2016. Learned P.O. do waive service.

(R.B. Malik)
Member (J)
22.08.2016

(skw)

O.A.630/2016

Dr. U.K. Agawane ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant, Shri K.B. Bhise holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents 1 to 3 and Shri K.R. Jagdale, the learned Advocate for Respondent No.4.

The request for further time to file Affidavit-in-reply made by the learned P.O. is turned down as sufficient opportunity has been given and two last chances were also given. It is, however, made clear that on the next date, when the matter is called out for hearing, if reply is tendered, it will be taken on record but no adjournment will be given for the same. OA is formally admitted.

Admit. Liberty to mention granted.

To come up in due course. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

Sd/-
(R.B. Malik)
Member (J)
22.08.2016

(skw)

M.A.213/2016 in O.A.421/2016

Shri R.K. Ghodke ... **Applicant**

Vs.

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

This is an application for condonation of delay in bringing this OA that is if delay was there.

I have perused the record and proceedings and heard Shri S.S. Deokar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Be it noted at the outset that Mr. Bhise, the learned P.O. wanted time to file Affidavit-in-reply, but regard being had to the facts such as they are, I decline his request because there was no point in prolonging this MA further.

The Applicant had filed OA No.787/2012 on this very cause of action before the A'bad Bench of this Tribunal. Ultimately, by an order dated 15th March, 2016 that OA was allowed to be withdrawn with liberty to file a fresh one on the same cause of action. Thereafter, the present OA was lodged in this Principal Bench.

I am very clearly of the view, therefore, that the principles analogous to Section 14 of the Limitation Act would apply hereto and even otherwise in the interest of justice, this application will have to be allowed. The same is accordingly allowed. The delay is condoned. The Applicant and Office of this Tribunal are directed to process the matter further so as to get it listed before the appropriate Bench for further progress in the matter. The MA is allowed with no order as to costs.

Sd/-

(R.B. Malik)
Member (J)
22.08.2016

(skw)

O.A.690/2016

Shri J.V. Bhadane ... **Applicant**
Vs.
The State of Mah. & ors. ... **Respondents**

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

I have perused and then returned to the learned P.O. the communication addressed by the State of Maharashtra in P.W.D. to the Chief Presenting Officer. Even for deciding the representations made on 4th April, 2015 and 11th April, 2016 which by now should have been decided long ago, time of six weeks is being sought. With this kind of an order, in fact, the OA should be kept pending and in the meanwhile, I direct that the decision on the representations above referred to be taken within four weeks from today and communicated to the Applicant within one week thereof. The OA stands adjourned to 3rd October, 2016.

Sd/-
(R.B. Malik)
Member (J)
22.08.2016

(skw)

22.8.2016

O.A No 639/2014

Shri S.B Kushare ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Applicant and his advocate are not present at the moment. Mrs Archana B.K. learned Presenting Officer for the Respondents.

Learned Presenting Officer is instructed by Shri Avinash Shete, Junior Clerk in the office of S.P, Raigad. The Original Application was appointed for order today. But it seems that except for one application of the third Respondent, there is no other document in respect of his claim that he was having an edge over the Applicant.

Shri Avinash Shete, Junior Clerk in the office of S.P, Raigad made an incorrcct statement that the documents were there in our record for which he is warned to be particular henceforth.

The original record be produced for our perusal on the next date and the matter bc shown in the column of Final Hearing and not pronouncement of orders.

S.O to 29.8.2016.

Sd/-

(R.B. Malik)
Member (J)

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.891 OF 2015

_Shri Balasaheb D. Gavali ..Applicant

Versus

The State of Maharashtra & Ors. ..Respondents

Shri K.R. Jagdale – Advocate for the Applicant

Shri K.B. Bhise – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 22nd August, 2016

ORDER

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. Shri Jagdale, Ld. Advocate states that paper book of the OA which was substituted by the applicant pursuant to the leave for amendment which was granted and was carried out was actually served on the respondents no.1 to 4 on 3.8.2016, 4.8.2016, 5.8.2016 and 5.8.2016 respectively.

3. Ld. PO prays for time to file reply to amended OA.

4. The only question involved in this case can be called and summarised as follows:

(i) Whether the services of a Police Constable being temporary Government servant can be terminated on the ground of misconduct allegedly found and prima facie proved against him in a preliminary enquiry.

4. Either oral submissions or affidavit be filed on the next date. Ld. PO shall be free to defend orally by showing rule and if necessary by filing affidavit with case law.

5. In the event the respondents find that the order is punitive and ought not to have been issued without giving opportunity to the applicant, the respondents shall be free to withdraw the same with right to proceed against applicant in accordance to law.

6. If the respondents want to withdraw the order it shall not be necessary to file affidavit in reply.

7. Appropriate submissions as regards the stance of the respondents be made or submissions be advanced.

8. S.O. to 8.9.2016.

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

Sd/-

(A.H. Joshi, J.)
Chairman
22.8.2016

Dictation taken by: S.G. Jawalkar.

D:\JAWALKAR\Judgements\2016\8 August 2016\OA.891.15.J.8.2016-BDGavali-SO.8.9.16.doc

(G.C.P.) J 2200 (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 : 22.08.2016.

O.A.No.1063 of 2015

Shri C.V. Alsatwar ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. As per the general instructions present O.A. was adjourned to 24.06.2016.

3. At the request of learned Advocate for the Applicant this O.A. is called out.

4. Learned C.P.O. for the Respondents states that he would secure the information and make statement/ or argue on next date.

5. S.O. to 6.9.2016.

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

sba

DATE : 22-8-2016
CORAM :
Hon'ble [illegible] Joshi (Chairman)
Hon'ble [illegible] (Member) A
APPEARANCE :
Shri/Smt. : V. P. Potbhare
Advocate for the Applicant
Shri /Smt. : N. K. Rajpurohit
C.P.O / P.O. for the Respondent/s
order passed in tribunal colum
Adj. To.....
S.O. to 6-9-2016

[illegible]

[P.T.O.

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

Date : 22.08.2016.

O.A.No.272 of 2015 with O.A.No.273 of 2015

D.P. Londhe (O.A.No.272/2015)
G.S. Dumbre (O.A.No.273/2015) .... Applicants.

Versus

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

1. Heard A. Apte, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned Advocate Shri A. Apte for the Applicants prays for leave to amend for incorporating certain amendments for challenging, which have occurred during the pendency of O.A..

3. Leave to amend is granted.

4. Learned Advocate Shri A. Apte for the Applicants undertakes to carry out the amendment within three weeks from today.

5. Amended O.A. be served on the Respondents directly.

6. Affidavit to amended O.A. be filed on the next date.

7. S.O. to 10.09.2016.

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

prk

DATE : 22-8-2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh Kumar (Member) A~~
APPEARANCE :
Shri/Smt. : A. Apte
Advocate for the Applicant
Shri /Smt. : K. B. Bhise
C.P.O / P.O. for the Respondent/s
order passed in tribunal coram
~~Adj. To~~.....
S.O. to 10.9.2016

(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 : 22.08.2016.

O.A.No.1105 of 2015

N.M. Dhumal .... Applicant.

Versus

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

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. Shri K.B. Bhise for the Respondents on instructions from Smt. V.M. Kale, Law Officer, C.P. Office, Mumbai states as follows :-

> It is proposed to issue the corrigendum deleting the word "कसूरी अहवाल" and related text would also be deleted. (Copy whereof is enclosed at Exhibit A-3, page 27 of the O.A. paper book).

3. Adjourned to 06.10.2016, for reporting the action as may be taken.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE : 22-8-2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh Kumar (Member) A~~
APPEARANCE :
Shri/Smt. : S. P. Manchekar
Advocate for the Applicant
Shri /Smt. : K. B. Bhise
C.P.O / P.O. for the Respondent/s
order passed in tribunal cause
Adj. To 06-10-2016

[P.T.O.

(G.C.P.) ¿ 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 : 22.08.2016.

O.A.No.829 of 2016

S.K. Kasbe .... Applicant.

Versus

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

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

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

(a) The aspect of administrative exigencies and exceptional case needs to be pondered well.

(b) Two weeks time may be granted for making submissions.

3. Time as prayed for is granted.

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

5. Learned P.O. is directed to communicate this order to the Respondents.

6. S.O. to 08.09.2016.

(A.H. Joshi, J.)
Chairman

prk

DATE : 22-8-2016

CORAM :

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

~~Hon'ble Shri M. Ramesikumar (Member) A~~

APPEARANCE :

Shri/Smt. : A. V. Bandiwadekar

Advocate for the Applicant

Shri /Smt. : S. Suryawanshi

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

order pass in tribunal column

~~Adj. To:~~

[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 : 22.08.2016. **O.A.No.435 of 2016** **P.N. Mali (Sagaru) .... Applicant.** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. Heard Applicant in person and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. Applicant in person prays for adjourned to 08.09.2016. 3. Adjourned to 08.09.2016. Sd/- (A.H. Joshi, J.) Chairman prk

DATE : 22-8-2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. : In person
Advocate for the Applicant
Shri /Smt. : A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To 08-09-2016

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 : 22-8-2016 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramakrishnan (Member) A~~ APPEARANCE : Shri/Smt. : A. S. Deshpande Advocate for the Applicant Shri /Smt. : A. J. Chougule C.P.O / P.O. for the Respondent/s order passed in tribunal colum Adj. To 20-09-2016	**Date : 22.08.2016.** **M.A.No.251 of 2016 in O.A.No.660 of 2015 (Nagpur) with** **M.A.No.252 of 2016 in O.A.No.661 of 2015 (Nagpur) with** **M.A.No.253 of 2016 in O.A.No.827 of 2015 (Aurangabad)** **M.S. Joshi & Ors. (M.A.251/2015 IN O.A.660/2015)** **S.B. Korke & Ors. (M.A.252/2015 IN O.A.661/2015)** **M.S. Joshi & Ors. (M.A.253/2015 IN O.A.827/2015)** **.... Applicants.** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. Heard Shri A.S. Deshpande, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. Learned Advocate Shri A.S. Deshpande for the Applicants prays for adjourned for enabling the applicant to find out as to whether any O.A., involving the same issue, is pending at Principal Seat at Mumbai. 3. In view of the foregoing, adjourned to 20.09.2016. 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 : 22-8-2016 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri ... (Member) A~~ APPEARANCE : Shri/Smt. : P. Mahajan leave note Advocate for the Applicant Shri /Smt. : K. B. Bhise C.P.O / P.O. for the Respondent/s order passed in tribunal column ~~Adj. To~~..... S.O. to 17-10-2016 Affidavit in Reply filed by Resp No. 2	**Date : 22.08.2016.** **O.A.No.812 of 2016** **G.A. Kamble .... Applicant.** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. Smt. Punam Mahajan, the learned Advocate is absent and has filed a leave note. 2. Heard Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 3. Learned P.O. Shri K.B. Bhise for the Respondents has tendered the affidavit on behalf of Respondent No.2. It is taken on record. 4. S.O. to 17.10.2016. (A.H. Joshi, J.) Chairman prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.574 of 2016

Shri P.A. Pagare ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Shri Bandiwadekar, Ld. Advocate states that he has not collected the notice to be served on the respondents.

3. In view of this issue fresh notice returnable on 5.10.2016.

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

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

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

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

Sd/-

(A.H. Joshi, J.)
Chairman
22.8.2016

(sgj)

DATE : 22-8-2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. [illegible] (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
order passed in tribunal colum
~~Adj. To~~
S.O. to 5-10-2016

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

O.A. No.390 of 2016

Shri M.K. Survase ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Smt. Punam Mahajan, Ld. Advocate for the applicant has filed leave note. Heard Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO files affidavit by Shri K.P. Bakshi, Additional Chief Secretary, Home Department. It is taken on record.

3. Ld. CPO prays for time for filing detailed affidavit opposing the OA.

4. S.O. to 6.10.2016.

(A.H. Joshi, J.)
Chairman
22.8.2016

(sgj)

DATE : 22-8-2016
CORAM :
Hon'ble Justice Shri A.H. Joshi (Chairman)
~~Hon'ble Shri [illegible] (Member)~~ A
APPEARANCE :
Shri/Smt. : P. Mahajan
Advocate for Applicant
Shri/Smt. : N.K. Rajpurohit
C.P.O / P.O. for the Respondents/s
order passed in tribunal cotum
~~Adj. To~~ :
S.O. to 6-10-2016

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.As. No.849, 850 & 851 of 2016

Smt. H.D. Kabre
Shri S.R. Sankhe
Shri K.V. Thakur ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri S.B. Gaikwad, learned Advocate for the Applicants and Ms. Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. In these 3 OAs, respondents no.1 and 2 are directed as follows:

(i) The applicants' claim made in these OAs be examined, if the applicants' claim is found to be sustainable, a statement may be made on the next date as to the time frame within which benefits will be granted.

(ii) In case it is found and respondents consider it appropriate that present OAs. need to be contested, only in that case affidavit in reply be filed.

3. In view of the consideration of the matters longer time is required to be granted.

4. Ld. Advocate undertakes to serve the respondents within one week. In view of this, date for reporting compliance shall be 8.11.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
22.8.2016

(sgj)

DATE: 22-8-2016
CORAM :
Hon'ble [illegible] Joshi (Chairman)
Hon'ble [illegible] (Member) A
APPEARANCE :
Shri/Smt. S. B. Gaikwad
Advocate for Applicant
Shri/Smt. S. Suryawanshi
C.P.O / P.O. for the Respondent
order passed in tribunal colum
Adj. To 8-11-2016

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

O.A. No.37 of 2016

Shri M.P. Prabhukhanolkar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Shri Joshi, Ld. Advocate states that he wants to consider whether to amend the OA and prays for a week's time.

3. In the event applicant decides to amend the OA he should keep the draft amendment ready.

4. S.O. to 30.8.2016.

Sd/-

(A.H. Joshi, J.)
Chairman
22.8.2016

(sgj)

DATE: 22-8-2016

CORAM:

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

~~Hon'ble Shri ... Kumar (Member)(A~~

APPEARANCE:

Shri/Smt.: A. B. Joshi

Advocate for the Applicant

Shri/Smt.: Archana B.K.

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

Order passed in tribunal cadre

~~Adj. To:~~

S.O. to 30-8-2016

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

O.A. No.901 of 2015

Shri N.G. Kondhalkar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Applicant present in person. Heard Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Ld. PO states that the matter is being reconsidered by the government and applicant's appeal will be heard today.

3. For reporting outcome adjourned to 22.9.2016.

(A.H. Joshi, J.)
Chairman
22.8.2016

(sgj)

DATE : 22-8-2016

CORAM :

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

~~Hon'ble Shri M. Ramakrishnan (Member)(A~~

APPEARANCE :

Shri/Smt. : In person

Advocate for the Applicant

Shri /Smt. : N.K. Rajpurohit

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

Adj. To 22-9-2016

~~for reporting outcome~~

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

Date : 22.08.2016.

O.A.No.359 of 2016

P.D. Yasatwar **.... Applicant.**

Versus

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

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned P.O. Smt. Archana B.K. for the Respondents has tendered three following affidavits to be kept on record :-

(a) Affidavit on behalf of Respondent No.1 filed by Smt. Medha A. Gadgil, Additional Chief Secretary, Medical Education and Drugs Department, Mantralaya.

(b) Affidavit on behalf of Respondent No.1 filed by Shri Shivaji S. Patankar, Joint Secretary, Medical Education and Drugs Department, Mantralaya.

(c) Affidavit in compliance of Hon'ble Tribunal's order dated 13.06.2016 filed by Dr. Harshadeep S. Kamble, Commissioner, Food and Drugs Administration, Bandra, Mumbai.

3. Learned Advocate Ms. S.P. Manchekar for the Applicant prays for time to consider the contents.

4. Time as prayed for is granted.

5. S.O. to 12.09.2016.

(A.H. Joshi,J.)
Chairman

prk

DATE : 22-8-2016
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. : Archana B.K.
C.P.O / P.O. for the Respondent/s
order passed in tribunal column
~~Adj To~~
Affidavit in compliance filed
Affidavit in Reply filed by Resp.)
S.O. to 12-09-2016

(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 : 22.08.2016.

O.A.No.196 of 2016

D.R. Badiwale .... 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. Shri K.B. Bhise for the Respondents states as follows :-

(a) Some time is required for making statement pursuant to the order passed by this Tribunal on 17.06.2016, because a decision as regards the policy to be adopted for implementing the full Bench decision of the Hon'ble High Court in case of Arun Vishwanath Sonone Versus State of Maharashtra, 2015 (1) Mh.L.J.457, is yet in process of finalization.

(b) Further time is required because the G.A.D. had processed the matter and the decision to be ordered by Hon'ble Chief Minister, and within two weeks orders from the Hon'ble Chief Minister are expected.

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

4. S.O. to 21.09.2016.

(A.H. Joshi, J.)
Chairman

prk

[P.T.O.

DATE : 22-8-2016
CORAM :
Hon'ble Justice S[illegible] Joshi (Chairman)
Hon'ble [illegible] (Member) A
APPE[illegible]
Sh./Smt. K. R. Jagdale
Advocate for Applicant
Shri/Smt. K. B. Bhise
C.P.O / P.O. for Respondents
order passed in tribunal column
Adj. To.....
S.O. to 21-9-2016

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders C.A. No.65 of 2016 in O.A. No.318 of 2014

Shri M.S. Shirke ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri J.N. Kamble, learned Advocate for the Applicant and Ms. Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. In the midst of hearing following things have transpired:

(i) The State Government is not added as respondent-contemnor.

(ii) The contemnors who are added as respondents have not been given personal notice and reasonable time i.e. at least 30 days time.

3. In this premises the CA does not deserve any hearing at this stage.

4. Shri Kamble, Ld. Advocate prays for withdrawal of this CA with liberty to take appropriate steps and thereafter if compliance still remains to file appropriate proceedings including application for contempt.

5. CA disposed off with the above observations.

Sd/-

(A.H. Joshi, J.)
Chairman
22.8.2016

(sgj)

DATE: 22-8-2016

CORAM:

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

~~Hon'ble Shri M. Ramachandran (Member) A~~

APPEARANCE:

Shri/Smt. : J. N. Kambale

Advocate for the Applicant

Shri /Smt. : S. Suryawanshi

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

order passed in tribunal coram

~~Adj. To~~.....

C.A. disposed off with the above observations

(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 : 22.08.2016.

M.A.No.324 of 2016 in C.A.No.8 of 2015 in O.A.No.1038 of 2013

D.R. Bhamre .... Applicant.

Versus

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

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

2. List this application before the Division Bench.

(A.H. Joshi, J.)
Chairman

prk

DATE : 22-8-2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Member(A)~~
Shri/Smt. : A. S. Deshpande
Advocate for the Applicant
Shri/Smt. : K. S. Gaikwad
C.P.O / P.O. for the Respondent/s
List this application before the Division Bench
~~Adj. To~~.....

[P.T.O.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders C.A. No.58 of 2016 in O.A. No.422 of 2014

Shri S.B. Pawaskar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO states that respondent no.1 is present and considering the shortcoming in the affidavit filed by respondent no.1, fresh affidavit is being drafted and it would be filed within a week and prays for one week's time.

3. Time granted. Affidavit be filed on or before 1.9.2016. S.O. to 7.9.2016.

4. In view of presence of respondent no.1, his appearance on the next date is dispensed with and if required he may come as per directions of the Tribunal.

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

Sd/-

(A.H. Joshi, J.)
Chairman
22.8.2016

(sgj)

DATE : 22-8-2016

CORAM :

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

~~Hon'ble Shri [illegible] (Member) A~~

APPEARANCE :

Shri/Smt. : B. A. Bandiwadekar

Advocate for the Applicant

Shri /Smt. : N. K. Rajpurohit

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

order passed in tribunal cum

~~Adj. To~~.....

S.O. to 7-9-2016

Hamdast

Sd/-

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

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

Smt. K.P. Magar & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO states that minimum two months time will be needed for effecting total compliance of the directions given by this Tribunal in the OA.

3. Shri Kolge, Ld. Advocate states that he would wait.

4. In view of this, adjourned to 7.11.2016.

-11-

(A.H. Joshi, J.)
Chairman
22.8.2016

(sgj)

DATE : 22-8-2016

CORAM :

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

~~Hon'ble Shri M. Ramakrishnan (Member) A~~

APPEARANCE :

Shri/Smt. : R. M. Kolge

Advocate for the Applicant

Shri /Smt. : K. S. Gaikwad

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

Adj. To 7-11-2016

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.120 OF 2016

DISTRICT : SANGLI

P.M. Jamadar .... **Applicant.**

Versus

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

Shri S.S. Dere, the learned Advocate for the Applicant.

Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 22.08.2016.

ORDER

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

2. Learned P.O. Shri A.J. Chougule for the Respondents prays for time for filing reply.

3. Learned P.O. Shri A.J. Chougule for the Respondents was called to state as to whether he has received any instructions on the basis of which he is praying for time.

4. Learned P.O. Shri A.J. Chougule states that he has received a written communication signed by the Additional Superintendent of Police, Sangli.

5. Learned P.O. was called to produce its copy. It is taken on record.

6. On perusal of the letter received by learned P.O. it is found that the Additional Superintendent of Police, Sangli has written in the letter that the intimation of today's date hearing was received with short interval and due to visit of Superintendent of Police, Sangli at Mumbai and on Sunday no steps could be taken.

7. The manner in which the Additional S.P., Sangli has written the letter is in totally disregard to adjournments which were already availed.

8. No explanation has come forward as to why the affidavit was not prepared punctually when very narrow question was to be answered.

9. It is also improper on the part of Additional S.P., Sangli, to observe that only two days time was granted by this Tribunal. For this reckless attitude, the Additional Superintendent of Police, Sangli and Superintendent of Police, Sangli are hereby called to show cause as to why they both should not be personally saddled with costs of Rs.10,000/- each.

10. Affidavit, if any, answering show cause if the concerned desires to file, be filed on or before next date, on which date the O.A. also would be heard and disposed of without waiting for further clarification and affidavit by the officers concerned.

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

12. S.O. to 23.09.2016.

(A.H. Joshi, J.)
Chairman

prk

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**ORIGINAL APPLICATION NO.756 OF 2015 WITH
M.A.NO.127 OF 2016**

DISTRICT : SATARA

R.S. Pawar .... **Applicant.**

Versus

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

Applicant in person.

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

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN
SHRI RAJIV AGARWAL, VICE-CHAIRMAN

DATE : 22.08.2016.

PER : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

O R D E R

1. Heard Applicant in person and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents, on instructions received through letter dated 20.08.2016 from the office of Respondent No.1, states as follows :-

(a) Applicant's Annual Confidential Reports (A.C.R.s) for the year 2004-05, 2005-06 and 2006-07 which were placed before the Departmental Promotion Committee (D.P.C.) for consideration which were below bench-mark.

(b) Amongst those the A.C.R. for the year 2004-05 which was below bench-mark has been communicated to the Applicant.

(c) Applicant has submitted a representation in relation to the A.C.R. for the year 2004-05, which was below bench-mark.

(d) The Applicant's representation will be considered by the Department.

3. Applicant has made the grievance that the A.C.R.'s for the year 2005 to 2007 which were below bench-mark have not been communicated to the Applicant.

4. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents states that he would speak to the officer concern and make an endeavor to see that A.C.R.s for the year 2005 to 2007 which are considered below bench-mark and communicated to the applicant today itself and also that if the applicant submits a representation punctually it also will be considered.

5. Expecting the compliance as indicated by learned C.P.O. and for enabling Respondents to make a statement as to time frame within which the process of consideration of representation for upgradation would be decided. hearing is adiourned.

6. It will be highly appreciated if the decision could be taken before the next date and outcome is communicated.

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

8. S.O. to 30.08.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

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

ork

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 22-8-2016 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri [illegible] (Member) A~~ APPEARANCE : Shri/Smt. : S. P. Lahane Advocate for the applicant Shri /Smt. : K. B. Bhise C.P.O / P.O. for the Respondent/s Order passed in tribunal column Adj. To 7-11-2016	C.A. No.48 of 2016 in O.A. No.342 of 2011 Smt. J.D. Mehta ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri S.P. Lahane, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents. 2. The parties state that order passed by this Tribunal in OA is carried before the Hon'ble High Court and writ petition is expected to come up for hearing on 30.8.2016. 3. In view of this position, CA is adjourned to 7.11.2016 with liberty to apply for early hearing if occasion arises. (A.H. Joshi, J.) Chairman 22.8.2016 (sgj)