(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: 22/11/17<br>CORAM: Justice M.T. Joshi<br>~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~<br>~~Hon'ble Shri R. B. MALIK (Member)~~<br>APPEARANCE:<br>~~Shri/Smt.~~ A.S. Gaikwad<br>Advocate for the Applicant<br>Shri /Smt. K.B. Bhise<br>~~C.P.O./~~P.O. for the Respondents<br>~~Adj. To~~ S.O. to 7/12/17 | **O.A.No. 452 of 2017**<br>**C. J. Gudewar & Ors. ... Applicants**<br>**Vs.**<br>**The State of Mah. & ors. ... Respondents**<br>1. Heard Shri A.S. Deshpande, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Chief Presenting Officer for the Respondents.<br>2. In view of the fact that the S.L.P. is pending in the Hon'ble Supreme Court of India against the judgment and order of the Bombay High Court, the decision of the promotion cannot be considered.<br>3. Learned Advocate for the applicants, therefore, seeks adjournment.<br>4. S.O. to 07.12.2017.<br>Sd/-<br>**(M.T. Joshi)**<br>**Vice-Chairman**<br>**22.11.2017**<br>vsm |

(G.C.P.) J 2200(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.1035/2017**

**Mr. S.D. Kumbhare & Ors. ... Applicants**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. S. Sadavarte, the learned Advocate for the Applicants and Mr. N.K. Rajpurohit, the learned P.O. for the Respondents.

2. The learned P.O. seeks time. It is to be noted that interim relief was not granted. In the circumstances, as a last chance, S.O.to 2nd December, 2017. On that day, the issue of grant of interim relief would be considered in case of Affidavit-in-reply is not ~~there~~ filed.

3. The learned Counsel seeks liberty to correct a typographical mistake in Para No.9(b) by correcting clause 7(9) as 7(10).

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Justice M.T. Joshi
~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ Dr. G. Sadavarte
Advocate for the Applicant
~~Shri/Smt.~~ N.K. Rajpurohit
~~C.P.O./~~P.O. for the Respondents
~~Adj. to~~ S.O. to 2/12/17.

22/11/17
Amendment carry out as per court order dt. 22/11/17 by Adv. Dr. G. Sadavarte.

(G.C.P.) J 2200(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 |
|---|---|

**M.A.493/2017 in O.A.No.1083/2017**

**Mr. V.S. Wayagankar & Ors. ... Applicants**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. Shrikant Patil, the learned Advocate for the Applicants and Mr. N.K. Rajpurohit, the learned P.O. for the Respondents.

2. 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.

Sd/-
**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Justice M.T. Joshi
~~Hon'ble Shri. RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ Shrikant Patil
Advocate for the Applicant
~~Shri/Smt.~~ N.K. Rajpurohit
~~C.P.O./P.O.~~ for the Respondents

~~A.O.~~ M.A. is allowed

(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.282 /2016**

**Mr. M.M. Pingale ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. J.N. Kamble, the learned Advocate for the Applicant and Mr. K.B. Bhise, the learned P.O. for the Respondents.

2. It is an admitted fact that the Applicant has joined the services on 9th January, 2015. The G.R. dated 15th January, 2016 (Exh. 'E', Page 26) would show that if the employee seeks maternity leave within a period of one year from the date of joining, then half pay leave has to be granted to her. In the present case, the similar exercise is carried out in the order dated 21.11.2017. The copy of the said order is taken on record and marked 'X' for identification.

3. The only objection of Mr. Kamble is that half pay leave is deducted from the leave. This is exactly as per the G.R.

4. In the circumstances, in view of the passing of the order by the Respondents, now nothing survives in the present application. The O.A. is, therefore, dismissed without any order as to costs.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE : 22/11/17
CORAM :
Hon'ble Shri. ~~RAJIV AGARWAL~~ Justice M.T. Joshi
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ : J.N. Kamble
Advocate for the Applicant
Shri /Smt. : K.S. Gaikwad
~~C.P.O~~ / P.O. for the Respondents

~~Adj. To.~~ : O.A. is dismissed.

(G.C.P.) J 2300(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.854/2017**

**Mr. G.D. Jadhav ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. B.A. Bandiwadekar, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned P.O. for the Respondents.

2. The learned Advocate for the Applicant submits that due to development in the present application, the amendment application has become necessary and therefore, he seeks leave to file an application for amendment. Leave granted.

3. S.O. to 4th December, 2017.

Sd/-
**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE : 22/11/17
CORAM : Justice M.T.Joshi
Hon'ble Shri. ~~RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ B.A. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ A.J. chougule
~~C.P.O./P.O.~~ for the Respondents
~~A.O.~~ S.O. to 4/12/17.

(O.C.P.) J 2260(B) (50,000—2-2016) [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.107 /2017**

**Mr. S.A. Nalawade ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. K.R. Jagdale, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned P.O. for the Respondents.

2. It appears that the Applicant has wrongly ~~rely~~ relied the provisions of Rule 162(b) of M.C.S. (Pension) Rules while he is seeking revision of the pay on the ground that his services as an Ex-serviceman ought to have been computed. In fact, the pay fixation has nothing to do with the computation of service period under the military, but only at the time of fixation of pension, in case a full pension could not be imparted to the employee as per the earlier provisions.

3. It appears that there is no force in the application.

4. The learned Counsel for the Applicant, however, on the basis of pleadings made in Para 6(3) of the application submitted that there is discrimination in fixing pay between the present applicant and Mr. Dhananjay V. Kate. The documents in this regard are not filed on the record.

5. The learned Counsel seeks time to file documents, if any. Time is granted.

6. S.O. to 12th December, 2017 to file documents, if any, on record.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE : 22/11/17
CORAM : Justice M.T. Joshi
~~Hon'ble Shri. RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ :
Advocate for the Applicant
~~Shri/Smt.~~ : K.S. Gaikwad
C.P.O / P.O. for the Respondents
~~Adj. to~~ S.O. to 12/12/17.

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

**O.A.No.1097/2017**

**Mr. B.P. Gaikwad** ... **Applicant**
**Vs.**
**The State of Mah. & ors.** ... **Respondents**

1. Heard Mr. Ajay Deshpande, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned P.O. for the Respondents.

2. Issue notice returnable on 28th November, 2017.

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

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

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

7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. S.O. to 28th November, 2017.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Justice M.T. Joshi
~~Hon'ble Shri. RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ Adv Ajay Deshpande
Advocate for the Applicant
~~Shri /Smt.~~ A.J. Chougule
~~C.P.O~~ P.O. for the Respondents
~~Adj. To~~ S.O. to 28/11/17.

(C.C.P.) J 220001/80,000-2-2015) 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.510/2017**

**Mr. R.R. Bawkar** ... Applicant
**Vs.**
**The State of Mah. & ors.** ... Respondents

1. Heard Ms. Kirti Petkar holding for Ms. Shital Kasar, the learned Advocate for the Applicant and Mr. K.B. Bhise, the learned P.O. for the Respondents.

2. The learned P.O. submits that some preliminary objections are there and therefore M.A. has to be ~~taken~~ filed.

3. At her request, S.O. to 4th January, 2018.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Justice M.T. Joshi
~~Hon'ble Shri. RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ Ms. Kirti Petkar holding for Shital Kasar
Advocate for the Applicant
~~Shri /Smt.~~ K.B. Bhise
~~C.P.O./~~ P.O. for the Respondents
~~Adj. By~~ S.O. to 4/1/18.

(G.C.P.) J 2300(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.661/2017**

**Mr. S.S. Gargote ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. A.R. Joshi, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned P.O. for the Respondents.

2. The learned P.O. files Affidavit-in-reply. The same is taken on record. She submits that the matter is under consideration of the concerned Respondent.

3. In the circumstances, the Respondents are directed to consider the issue and file the report about the same on or before 23rd January, 2018.

4. S.O. to 23rd January, 2018.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Hon'ble Justice M.T. Joshi
~~Hon'ble Shri. RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ A.R. Joshi
Advocate for the Applicant
~~Shri/Smt.~~ K.S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents
~~A.O.~~ S.O. to 23/1/18.
Reply filed by R.No.1.

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

**O.A.No.860 of 2017**

**S.S. Bhosale** ... **Applicant**

**Vs.**

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

1. Heard Shri D.B. Khaire, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned Chief Presenting Officer for the Respondents.

2. Heard both the sides. On the issue of grant of interim relief after filing of the reply by the concerned respondents. Exb. 'M', page 104 of the O.A. shows that the present applicant had resigned from the present post of Mile Mazdoor (Road Worker) in 'D' category as he was selected for the post of Typist-Clerk . It is an admitted fact that thereafter though he was selected, the concerned respondents did not allow him to join to the post of Typist-Clerk as he has earlier availed the benefits for being Ex-Servicemen category, when he was selected for the post of Mile Mazdoor (Road Worker).

4. Thus, upon acceptance of the said resignation the present applicant is neither here nor there. G.R. dated 02.12.1997, Exb. 'V', page 119 and more particularly clause 2(b)(1) as found at page 121 would show that if an employee is selected for other post under the Government then he is not required either to resign nor there is any need to accept the said resignation.

5. Considering these facts on record, presently interim relief in terms of prayer clause 11(a) is hereby granted. The concerned respondents are directed to allow the present applicant to resume on the post of Mile Mazdoor (Road Worker) in term of prayer clause 11(a).

6. Arguable case is made out. Admit. Be placed as and when the Division Bench is available.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

vsm

DATE: 22/11/17
CORAM: Justice M.T. Joshi
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt. : D.B. Khaire
Advocate for the Applicant
Shri/Smt. : Ms. S. Suryawanshi
C.P.O / P.O. for the Respondents
Adj. : O.A. is Admit.

(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.741 /2017**

**Mr. V.K. Jagdhane ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. A.A. Gharte, the learned Advocate for the Applicant and Mr. N.K. Rajpurohit, the learned P.O. for the Respondents.

2. Upon hearing the learned P.O. submits that he will have to take instructions as to whether show cause notice would be issued as per the order of this Tribunal dated 24.01.2017 in O.A.995/2015 (copy at Annexure 'R-1', Page 71). The notice, if any, may be issued during the pendency of the O.A. and the copy may be filed on the next date.

3. At his request, S.O. to 3rd January, 2018. Hamdast.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Justice M.T. Joshi
Hon'ble Shri. ~~RAJIV AGARWAL~~ (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/~~Smt.~~ : A.A. Gharte
Advocate for the Applicant
Shri /~~Smt.~~ : N.K. Rajpurohit
C.P.O / P.O. for the Respondents

~~Adj To:~~ S.O. 3/1/18.
Hamdast.

(O.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.283/2016**

**Mr. P.M. Nalla ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. B.A. Bandiwadekar, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned P.O. for the Respondents.

2. The learned P.O. files on record the decision taken by the concerned Respondent dated 18.11.2017. The same is taken on record and marked 'X' for identification.

3. The learned Counsel for the Applicant seeks time to take instructions from the Applicant on the issue raised in this case.

4. At his request, S.O. to 19th December, 2017.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Justice M.T. Joshi
Hon'ble Shri. ~~RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ B.A. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ K.S. Gaikwad
C.P.O / P.O. for the Respondents
~~Adj. To~~ S.O. to 19/12/17.

(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.279 /2017**

**Mr. B.C. Pardeshi ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. K.R. Jagdale, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned P.O. for the Respondents.

2. The learned Counsel for the Applicant files on record the true copy of the Affidavit-in-reply made on behalf of the then Respondent No.3 in O.A.134/2015 concerning the issue. The same is taken on record and marked 'X' for identification.

3. The learned Counsel also files photo-copies of the concerned pages of the Service Book with copies to the other side. The same are taken on record and marked 'X' for identification.

4. Upon hearing both the sides, it appears that a gradation list from time to time must have been maintained by the Respondents and objections must have been called for to the said gradation list accordingly to the Rules.

5. Both the sides are, therefore, directed to place on record a gradation list on or before 8th December, 2017 in which a date of birth as per the procedure must have been mentioned to ascertain as to whether the Applicant was aware about the entry of his date of birth of the year 1957 in the Service Book or otherwise, thereupon the application be placed for hearing on 18th December, 2017.

6. S.O. to 18th December, 2017.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Justice M.T. Joshi
Hon'ble Shri. ~~RAJIV AGARWAL~~ (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ K.R. Jagdale
Advocate for the Applicant
Shri ~~Smt.~~ A.J. Chougule
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 18/12/17.

(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.211/2013**

**Mr. V.S. Patil ... Applicant**

**Vs.**

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

1. Heard Mr. M.A. Patil, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned P.O. for the Respondents.

2. Upon hearing, it appears that the issue as to whether Rule 55 of Bombay Civil Services Rules has provided by Maharashtra Gramin Police as per the provisions of Section 9(a) of the Maharashtra Gramin Police Act, 1967 is followed.

3. The learned Counsel for the Applicant submits that today he does not have B.C.S.R. with him and therefore he seeks time. Time granted.

4. S.O. to 8th December, 2017.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17

CORAM: Justice M.T. Joshi

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

APPEARANCE:

~~Shri/Smt.~~ M.A. Patil

Advocate for the Applicant

~~Shri/Smt.~~ A.J. chougule

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

~~Adj. To~~ S.O. to 8/12/17

(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.A.No.591 of 2017**

**H.R. Shembekar ... Applicant**

**Vs.**

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

1. Heard Shri S.S. Dere, the learned Advocate for the Applicant. Smt. Kranti Gaikwad, the learned Presenting Officer for the Respondent Nos. 1 to 4 and Shri V. Lokhande, the learned Advocate for Respondent No.5.

2. Learned P.O. submits that during the course of the day the reply would be filed. Affidavit in Reply of respondent No.5 is filed. It is taken on record.

3. At the request of learned P.O., S.O. to 05.12.2017 for filing reply.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

vsm

DATE: 22/11/17
CORAM: Justice M.T. Joshi
Hon'ble Shri. ~~RAJIV AGARWAL~~ (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ : S.S. Dere
Advocate for the Applicant
~~Shri/Smt.~~ : K.S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents No. 1 to 4.
V. Lokhande for R.No.5
~~Adj.~~ : S.O. to 5/12/17.
Reply filed by R.No 2.

(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.A.No.409 of 2017**
**With**
**O.A.No.816 of 2017**

**D.P. Kale & Ors.** **... Applicants**

**Vs.**

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

1. Heard Shri A.S. Deshpande, the learned Advocate for the Applicants, Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents and Shri C.T. Chandratre, the learned Advocate for Respondent Nos.6 & 7 (O.A.No.409/17). Shri K.R. Jagdale, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned P.O. for the Respondents (O.A.No. 816/17).

2. Shri K.R. Jagdale, the learned Advocate for the applicants seeks time to file Rejoinder.

3. Shri C.T. Chandratre, the learned Advocate for respondent nos. 6 & 7 in O.A. No. 409/17 submits that the interim relief is continued against the respondents.

4. Considering all facts, S.O. to 07.12.2017 as a last chance.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

vsm

DATE: 22/11/17
CORAM: Justice M.T. Joshi
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.~~ S. Suryawanshi
~~C.P.O./~~P.O. for the Respondents
~~Adj. to~~ S.O. to 7/12/17.

[P.T.O.

(G.C.P.) J 2000(B) (50,000—8.2015) [Spl.: MAT-F-9 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.742/2017**

**Mr. P.D. Kamble ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Ms. Ranjana Todankar, the learned Advocate for the Applicant and Mr. K.B. Bhise, the learned P.O. for the Respondents.

2. Ms. Todankar, the learned Advocate files Vakalatnama and submits that Affidavit-in-rejoinder, if any, will be filed on the next date. On her request, S.O. to 13rd December, 2017.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

DATE: 22/11/17
CORAM: Justice M.T. Joshi
~~Hon'ble~~ Shri. ~~RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ Mrs. Ranjana Todankar
Advocate for the Applicant
~~Shri/Smt.~~ K.B. Bhise
~~C.P.O./~~P.O. for the Respondents
A.O. S.O. to 13/12/17.

skw

(G.C.P.) J 2360(B) (60,000-2-2015) [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.76/2017**

**Mr. J.N. Salunkhe ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. K.R. Jagdale, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned P.O. for the Respondents.

2. The O.A. is already admitted. Removed from the Board. Be placed before Division Bench, as and when available.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Justice M.T. Joshi
~~Hon'ble~~ Shri. ~~RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ K.R. Jagdale
Advocate for the Applicant
~~Shri/Smt.~~ Ms. S. Suryawanshi
~~C.P.O~~/ P.O. for the Respondents
O.A. is admitted.

(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.896/2016**

**Mr. P.B. Abhang ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. Ms. R. Todankar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned P.O. for the Respondents.

2. The learned Advocate on the basis of written instructions from the Applicant filed on record submitted that the Applicant does not wish to proceed with the application and wants to withdraw the same. The O.A. is allowed to be withdrawn without any order as to costs.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Justice M.T. Joshi
Hon'ble Shri. ~~RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ Ms. R. Todankar
Advocate for the Applicant
~~Shri/Smt.~~ Ms. S. Suryawanshi
~~C.P.O~~ P.O. for the Respondents
~~Adj~~ O.A. is withdrawn

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

**O.A.No.1089/2017**

**Mr. S.N. Jagtap** ... **Applicant**

**Vs.**

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

1. Heard Mr. M.D. Lonkar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned P.O. for the Respondents.

2. Issue notice returnable on 5th January, 2018.

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

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

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. In the meantime, the Respondents are directed to consider the issue in the present application and also the Judgment passed by this Tribunal as can be seen at Page 41 and take a conscious decision on the line of the prayer clause (b) of Para 15 and to report accordingly in this Tribunal on the next date.

9. S.O. to 5th January, 2018. Hamdast.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/18
CORAM: Justice M.T. Joshi
~~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.~~ Ms. S. Suryawanshi
~~C.P.O~~ P.O. for the Respondents
~~A.~~ S.O. to 5/1/18.
Hamdast

(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.A.No.176 of 2017**
**With**
**M.A. No.95 of 2017**

**B.N.Wakchaure ... Applicant**

**Vs.**

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

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Learned P.O. on instructions from Smt. Sadhana Mhatre, Head Clerk, Desk-9, Home Dept., Mantralaya, Mumbai submits that the proposal for reconsideration is pending with the Respondent No.2. She further submits that the Respondent No.2 requires four weeks time for taking decision.

3. S.O. to 21.12.2017.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

vsm

DATE: 22/11/17
CORAM: Justice M.T. Joshi
~~Hon'ble Shri. RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ B.A. Bandiwadekar
Advocate for the Applicant
~~Shri /Smt.~~ Ms. S. Suryawanshi
~~C.P.O / P.O.~~ for the Respondents
~~Adj.~~ S.O. to 21/12/17

[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 |
|---|---|

**O.A.No.897 of 2017**

**S.B. Mohite ... Applicant**

**Vs.**

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

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Ms S. Suryawanshi holding for Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned C.P.O. for the respondents submits that the case will have to be considered by the concerned respondent in light of the recent G.R.

3. In the circumstances, the case be considered and if required, Affidavit-in-Reply be filed on the next dated.

4. S.O. to 10.01.2017.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

vsm

DATE: 22/11/17
CORAM: Justice M.T. Joshi
Hon'ble Shri. ~~RAJIV AGARWAL~~
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri /Smt. Ms. S. Suryawanshi
C.P.O / P.O. for the Respondents
S.O. to 10/1/18.

[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 |
|---|---|

**M.A. No..414 of 2017**
**in**
**O.A.No.897 of 2017**

**S.B. Mohite ... Applicant**

**Vs.**

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

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Ms S. Suryawanshi holding for Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Heard both the sides. For the reasons stated in the application, the delay of 1 year, 2 month and 5 days in filing the present application is condoned.

3. The Misc. Application is accordingly allowed without any order as to costs.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

vsm

DATE: 22/11/17
CORAM: Justice M.T. Joshi
~~Hon'ble Shri. RAJIV AGARWAL~~
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ : B.A. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ : Ms. S. Suryawanshi
~~C.P.O.~~/P.O. for the Respondents
holding for Archana B.K.
~~Adv.~~ : M.A. is allowed.

(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 : 22/11/17
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
~~Shri/Smt.~~ : A.V. Bandiwadekar
~~Advocate for the Applicant~~
~~Shri/Smt.~~ : C.P. Manchekar CPO
~~C.P.O. / P.O. for the Respondent/s~~
Shri D.A. Paka Res. No 2
~~Adv. To~~.....
Order passed in tribunal column
S.O. to 28-11-2017
Sd/-

**Date: 22.11.2017.**

**O.A. 790 of 2017**

**Subhash L. Chaudhari** **....Applicant.**

**Versus**

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

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant, Ms. S.P. Manchekar, the learned Presenting Officer for the Respondent No. 1 and Shri D.A. Paka, the learned Advocate for the Respondent No. 2.

2. Learned P.O. states that applicant's case is put up before Hon'ble Minister for reconsideration.

3. Learned Advocate for applicant states that the applicant is ready to wait.

4. S.O. to 28.11.2017.

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

nmn

[P.T.O.

(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 |
|---|---|

SUO MOTU

CA No.67/17 in OA No.675/16 with RA.20/16

Shri Lakshman K. Nirmal ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Amit A. Gharte, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Presenting Officer for the Respondents.

2. Registrar is directed as follows:

Carry correction in the common order dated 7.9.2016 passed in OAs No.674, 675 & 1114 of 2015 in view of order dated 16.9.2016 passed in RA.19/16 in OA.1114/16, RA.20/16 in OA.675/16 & RA.21/16 in OA.674/16.

Sd/-
(A.H. Joshi, J.)
Chairman
22.11.2017

(sgj)

DATE: 22-11-2017
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh kumar (Member) A~~
APPEARANCE:
Shri/Smt.: A.A. Gharte
Advocate for the Applicant
Shri /Smt.: N.K. Rajpurohit
C.P.O / P.O. for the Respondent/s
order passed in tribunal colony
Adj. To:

Sakat

(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 |
|---|---|

CA No.67/17 in OA No.675/16 with RA.20/16

Shri Lakshman K. Nirmal ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Amit A. Gharte, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Presenting Officer for the Respondents.

2. At the request of Ld. PO, SO to 8.1.2018.

Sd/-

(A.H. Joshi, J.)
Chairman
22.11.2017

(sgj)

DATE : 22-11-2017

CORAM :

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

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

APPEARANCE :

Shri/Smt. : A. A. Gharte

Advocate for the Applicant

Shri /Smt. : N. K. Rajpurohit

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

Adj. To 8-1-2018 as the request of Ld. P.O.

Sgrad

(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 |
|---|---|

**22.11.2017**

**O.A No 582/2017**

Smt S.S Ghadshi ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Archana B.K. learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant states as follows:-

The vacancy has occurred at Government Polytechnic College, Mumbai due to resignation of Shri N.S Musale, Senior Clerk.

3. Respondents are directed to consider as to whether applicant can be considered for posting at Mumbai and report the decision within four weeks.

4. S.O to 20.12.2017.

5. Steno copy and Hamdast is allowed. Learned Presenting Officer is directed to communicate this order to the Respondents.

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

Akn

DATE: 22-11-2017
CORAM:
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.: Archana B. K.
C.P.O / P.O. for the Respondent/s
order pased in tribunal colum
~~Adj. To~~.....
S.O to 20-12-2017
Sd/-

[P.T.O.

(C.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 : 22-11-2017

CORAM :

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

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

APPEARANCE :

Shri/Smt. : M. D. Lonkar

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 13-12-2017

Sgrad

O.A. No.616 of 2017

Shri P.D. Chavan ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. Advocate for the Applicant prays for leave to amend to add grounds.

3. Leave is granted.

4. SO to 13.12.2017.

Sd/-

(A.H. Joshi, J)

Chairman

22.11.2017

(sgj).

(G.C.P.) J 2200(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.1083/2017**

**Mr. V.S. Wayagankar & Ors. ... Applicants**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. Shrikant Patil, the learned Advocate for the Applicants and Mr. N.K. Rajpurohit holding for Ms. S.P. Manchekar, the learned C.P.O. for the Respondents.

2. The learned Advocate relies on the ratio of decision rendered by this Tribunal on 2nd November, 2017 in O.A. 524/2017 with O.A.841/2017, a copy of which is taken on record and marked as 'X'.

3. The learned P.O. points out that the status quo was granted on the said decision and later on it was vacated. By noting the above circumstances, issue notices to the Respondents made returnable on 20th December, 2017.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| DATE: 22/11/17<br>CORAM: Justice M.T. Joshi<br>Hon'ble Shri. RAJIV AGARWAL<br>(Vice - Chairman)<br>Hon'ble Shri R. B. MALIK (Member)<br>APPEARANCE:<br>Shri/Smt. Shrikant Patil<br>Advocate for the Applicant<br>Shri /Smt. N.R. Rajpurohit<br>C.P.O / P.O. for the Respondents<br>A.T. S.O. to 20/12/18. | 8. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.<br><br>9. S.O. to 20th December, 2018.<br><br>Sd/-<br><br>**(M.T. Joshi)**<br>**Vice-Chairman**<br>**22.11.2017**<br><br>skw |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI**

**ORIGINAL APPLICATION NO.614 OF 2017**

Shri Pramod H. Sawakhande ..Applicant

Versus

The State of Maharashtra & Ors. ..Respondents

Shri Shri A.V. Bandiwadekar – Advocate for the Applicant

Shri D.B. Khaire, Special Counsel with

Miss Savita Suryawanshi – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 22nd November, 2017

**ORDER**

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri D.B. Khaire, learned Special Counsel with Miss Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. Learned Special Counsel was called to state as to whether the Govt. has decided to vary its stance as regards transfer and its cause which are the subject-matter of challenge.

3. Learned Special Counsel states that Govt. has decided that its stance shall not be changed.

4. Special Counsel was called to furnish the office note and the decision of the Government which may have been recorded thereon, for perusal.

5. Ld. Special Counsel then called the record from the officers who had arrived to give instructions and upon instruction Ld. Special Counsel states that

any note was not put up and the decision was only communicated to him by Dy. Secretary.

6. It ought to have been noted by the Govt. that Special Counsel had made the statement only after arguing the case for some time. In fact even this Tribunal wanted that the Govt. should consider its decision. However, instead of inviting the observation or direction, Ld. Special Counsel has made the statement.

7. Therefore, the conduct of Government of showing a dustbin to the view of Special Counsel is an utmost rude conduct. It is highly shocking that any note of the Special Counsel's statement and its background is not taken and decision of the Govt. is not sought thereon.

8. Principal Secretary, Urban Development Department is directed to file own affidavit stating as to who took the decision to brush aside Special Counsel's view that the decision be reconsidered by deciding to refuse to place a note and couch it up to the Government.

9. Affidavit be filed on or before 28.11.2017.

10. S.O. to 28.11.2017.

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

Sd/-

**(A.H. Joshi, J.)**
**Chairman**
**22.11.2017**

Dictation taken by: S.G. Jawalkar.
D:\JAWALKAR\Judgements\2017\11 November 2017\OA.614.17.J.11.2017-PHSawakhande. SO.28.11.17.doc

(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.756/2016**

**Ms. D.A. Kachor ... Applicant**
**Vs.**
**The State of Mah. & ors. ... Respondents**

1. Heard Mr. K.R. Jagdale, the learned Advocate for the Applicant and Mr. K.B. Bhise, the learned P.O. for the Respondents.

2. The learned P.O. seeks time to file Affidavit-in-reply. The record would show that sufficient opportunities have been given to the Respondents to file reply. The concerned Respondent is directed to go through the copies of the Judgments annexed and to take corrective steps and submit the report on the next date.

3. In case, the Respondents come to the conclusion that corrective steps cannot be taken due to any rule or law, then a brief Affidavit explaining the reasons be filed.

3. S.O. to 20th December, 2017.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

skw

DATE: 22/11/17
CORAM: Hon'ble Shri. ~~RAJIV AGARWAL~~ Justice M.T. Joshi
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ K.R. Jagdale
Advocate for the Applicant
~~Shri/Smt.~~ K.B. Bhise
~~C.P.O./~~P.O. for the Respondents
~~Adj. To~~ S.O. to 20/12/17.

(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.A.No.974 of 2017**

**R.S. Patil ... Applicant**

**Vs.**

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

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply.

3. The applicant is at liberty to file application for adjournment on the next date in inquiry. The inquiry officer is directed to be liberal in granting adjournment till 29.11.2017 only. Hamdast.

4. S.O. to 29.11.2017 for reply.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

vsm

DATE: 22/11/17
CORAM: Justice M.T. Joshi
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.~~ A.J. chougule
~~C.P.O~~/P.O. for the Respondents
~~Adj. To~~ S.O. to 29/11/17.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | C A NO 65/17 In O A 820/16 |
| DATE: 22/11/17<br>CORAM:<br>Hon'ble Justice Shri A. H. Joshi (Chairman)<br>~~Hon'ble Shri M. Rameshkumar (Member)~~ A<br>APPEARANCE:<br>~~Shri/Smt.~~ : A.V. Bandiwadekar<br>Advocate for the Applicant<br>~~Shri/Smt.~~ : S. Suryawanshi<br>C.P.O / P.O. for the Respondent/s<br>A.O. : 29/11/2017 | Learned P.O - Shri Deshmukh<br>In view of the compliance and apology, CA is disposed. Learned Adv for applicant prays for adjournment. Post to 29/11/2017<br>Sd/-<br>22/11/2017 |

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO. 1084 of 2017**

**Y. J.Medhekar** ... **Applicant**

**Vs.**

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

Shri D.B.Khaire, Advocate for the Applicant.

Smt. Archana B.K., Presenting Officer for the Respondents.

CORAM : SHRI M.T. JOSHI (VICE-CHAIRMAN)

DATE : 22.11.2017

**ORDER**

1. Heard Shri D.B.Khaire, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 05.01.2018.

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

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

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. S.O. to 05.01.2018.

9. Considering the fact that the present applicant is working as a Sales Tax Officer for more than ten years, without going into merit, presently the interim relief in terms of prayer clause 11(a) is hereby granted until further orders.

**10. Further before filing any Affidavit-in-Reply, the concerned respondents are directed to go through the Rule 4 (a) as amended on 17.11.1980 (Page 75) and to reconsider the issue. If upon consideration of the said provision, the concerned respondents come to conclusion that the corrective steps are required to be taken then the corrective steps shall be taken, and the report shall be filed in the present proceeding on the next date. If for any other Law, G.R. or Provision, the concerned respondents come to conclusion that the corrective steps cannot be taken then a brief affidavit explaining the reasons shall be filed on the next date. Hamdast.**

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO. 1088 of 2017**

**A.R. Kamble** ... **Applicant**

**Vs.**

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

Shri M.D. Lonkar, Advocate for the Applicant.

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

CORAM : SHRI M.T. JOSHI (VICE-CHAIRMAN)

DATE : 22.11.2017

**ORDER**

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

2. Issue notice returnable on 05.01.2018.

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

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

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. S.O. to 05.01.2018.

9. Learned Advocate for the applicant files on record a downloaded true copy of the judgment passed by the Hon'ble High Court in **W.P. No.4872 & 6676 of 2012 (Sachin V. Kshirsagar V/s. State of Maharashtra & Ors., dated 14.03.2013) and by the Hon'ble Supreme Court in Special Leave Appeal (Civil) No.20911/2013, dated 10.07.2013**, both are accepted and marked as 'X'.

10. Learned Advocate submits that in view of the ratio of this judgments even if the employee passes the concerned examination before the termination order is issued but beyond the prescribed period of two years, he is required to be continued in the services.

11. Learned P.O. submits that the applicant has not come with the case that he has passed MS-CIT examination within the prescribed period.

12. Learned Advocate for the applicant submits that the impugned order at page 26 of the O.A. would show that the applicant was terminated only on the ground that the applicant was unable to pass the typing examination within a period of two years from the date of his appointment.

13. In the circumstances, keeping the issue of passing MS-CIT examination open interim relief in terms of prayer clause 15(b) is hereby granted until further orders. Hamdast.

Sd/-

**(M.T. Joshi)**
**Vice-Chairman**
**22.11.2017**