ORIGINAL APPLICATION NO. 441 OF 2020

(Shri Ganesh A. Mundhe Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 22.10.2020

ORAL ORDER:

Heard Shri S.S. Jadhawar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 03.12.2020.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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.

//2// O.A. No. 441/2020

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 03.12.2020.
- 8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

C.P. No. 17/2017 in O.A. No. 63/2015 with

Review St. 1217/2020

(Shri Saylu P. Nawod Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 22.10.2020

ORAL ORDER:

Heard Shri K.B. Jadhav, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 3 and Shri S.B. Mene, learned Advocate for respondent No. 2.

- 2. Learned Advocate for respondent No. 2 has placed on record certain documents. Same are taken on record and marked as document X collectively.
- 3. S.O. to 26.11.2020.

VICE CHAIRMAN

M.A. No. 180/2020 in O.A. No. 58/2020 (Shri Ritesh R. Kaware & Ors. Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 22.10.2020

ORAL ORDER:

Heard Shri D.N. Gilche, learned Advocate holding for Shri R.K. Ashtekar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri A.S. Deshmukh, learned Advocate for respondent No. 4.

2. At the request of learned Advocate for the applicant, S.O. to 27.11.2020.

VICE CHAIRMAN

M.A. No. 206/2020 in O.A. No. 1100/2019 (Shri Rajesh U. Landge Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench.]

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri A.S. Deshmukh, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 8, S.S. Tope, learned Advocate for respondent Nos. 12 & 15, Sachin Randive, learned Advocate for respondent Nos. 18, 19, 22, 23, 24, 28 to 32, 34 to 37, 39 & 40, Shri G.K. Kshirsagar, learned Advocate for respondent Nos. 85 to 101, Shri Amol P. Ghule Patil, learned Advocate for respondent Nos. 81 to 84 and Shri K.B. Jadhav, learned Advocate holding for Shri S.D. Joshi, learned Advocate for respondent Nos. 102 to 105.

- 2. Learned Advocate Shri Sachin S. Randive, has filed **VAKALATNAMA** on behalf of respondent No. 42. Same is taken on record.
- 3. At the request of learned Advocate for respondent Nos. 102 to 105, S.O. to 26.11.2020. Status quo granted earlier in M.A. No. 206/2020 to continue till then.

ORIGINAL APPLICATION NO. 439 OF 2020 (Shri Bhimrao B. Bangar Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020

ORAL ORDER:

Heard Shri M.K. Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 26.11.2020.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 26.11.2020.
- 8. Steno copy and Hamdast is allowed to both parties.

M.A. No. 251/2020 in O.A. St. 998/2020 (Shri Anil P. Chavan Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 22.10.2020

ORAL ORDER:

Heard Shri N.K. Choudhari, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- 2. The applicant has filed the present M.A. for amendment in the O.A.
- 3. Learned Chief Presenting Officer has submitted that he has no objection to allow the present M.A. for amendment in the O.A., as it is the subsequent development occurred after filing the O.A.
- 4. In view of the submissions advanced by the learned Advocate for the applicant and learned C.P.O., the M.A. No. 251/2020 is allowed. The applicant shall carry out the necessary amendment in the O.A. on or before the next date.
- 5. S.O. to 05.11.2020.

ORIGINAL APPLICATION NO. 268 OF 2020 (Shri Gopal M. Mehetre Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020

ORAL ORDER:

Heard Shri D.K. Thote, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 14.09.2020, he collected the notice from the office of this Tribunal on 18.09.2020 and posted the same with the Post office. However, the service affidavit could not be submitted before 3 days of returnable date (i.e. on 19.10.2020) for want of track report of the Post office.

3. However, he seeks permission to file service affidavit today. Permission granted. The service affidavit regarding respondent No. 1 be taken on record.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.310/2019

(Durgesh Jadhav Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri K.B.Bhise learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. Shri K.B.Bhise learned Advocate has filed Vakalatnama on behalf of the applicant. It is taken on record.

3. Learned Advocate for the applicant prayed for time for filing affidavit in rejoinder. Time is granted.

3. S.O. to 03-12-2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.984/2019

(Dr. Prithviraj Chavan Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri Shamsundar B. Patil learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

- 2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted as a last chance.
- 3. S.O. to 26-11-2020.

VICE CHAIRMAN

M.A.NO.448/2019 IN O.A.ST.NO.1571/2019 (Janabai Gadade Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri R.J.Nirmal learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 07-12-2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.878/2019

(Yuvraj G. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri A.S.Deshmukh learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents and Shri Sunil B. Jadhav learned Advocate for respondent no.3.

2. Learned CPO has filed communication dated 21-10-2020, which is taken on record and prayed for time. Time is granted.

3. S.O. to 26-11-2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.510/2019

(Rahul D. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri Uttam L.Telgaonkar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the Applicant on instructions submits that the Applicant does not want to proceed with the O.A. and he wants to withdraw the same with liberty to approach appropriate forum. Therefore, he sought leave of this Tribunal to withdraw the O.A.

- 3. Learned C.P.O. for the Respondents has prayed to pass the necessary order.
- 4. In view of the submission of learned Advocate for the Applicant, leave as prayed for is granted. The Original Application is disposed of as withdrawn with liberty to the applicant to approach appropriate forum. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.215/2020

(Manoj Samag Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri J.S.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 10.12.2020.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 10.12.2020.
- 8. Steno copy and Hamdast is allowed to both parties.

M.A.NO.179/2020 IN O.A.ST.NO.428/2020 (Kapil P. Bharad & Ors. Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri J.S.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

- 2. By filing the present M.A. applicants have prayed to sue jointly.
- 3. Applicants have prayed for identical relief and they are agitating similar cause. Hence, to avoid multiplicity of litigation and for smooth conduct of the matters, M.A. for sue jointly is allowed. M.A. stands disposed of accordingly with no order as to costs.

VICE CHAIRMAN

O.A.ST.NO.428/2020

(Kapil P. Bharad & Ors. Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri J.S.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 10.12.2020.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
- 7. S.O. to 10.12.2020.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO.424/2020

(Anil Kondhare Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri S.R.Shirsat learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 23.11.2020.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 23.11.2020.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO.435/2020 (Ratikant Sonwane Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri V.G.Pingle learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 03.12.2020.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 03.12.2020.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO.436/2020

(Indrasen Tikare Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020.

ORAL ORDER:

Heard Shri Kakasaheb B. Jadhav learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 03.12.2020.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 03.12.2020.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 77/2020

(Shri Mahesh S. Khedkar Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020

ORAL ORDER:

Heard Shri B.A. Panchal, learned Advocate holding for Shri Chetan T. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- 2. It is submitted by the learned Advocate for the applicant that as per the order dated 10.9.2020 he collected the notices from the office of this Tribunal on 14.9.2020 for service upon the respondents. However, the applicant could not serve the notices on the respondents due to COVID-19 Pandemic situation and due to oversight. Hence the applicant wants to serve fresh notices upon the respondents and therefore he prayed for the same.
- 3. In the circumstances, issue fresh notices to the respondents, returnable on 30.11.2020.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

- 5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 8. S.O. to 30.11.2020.
- 9. Steno copy and Hamdast is allowed to both parties.

M.A. 245/2020 IN O.A. 405/2020

(Smt. Varsharani B. Netke Vs. Sandeep G. Patil & State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020

ORAL ORDER:

Heard Shri M.S. Bhosale, learned Advocate for the applicant in the present M.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 2 & 3 in the present M.A. and Shri A.D. Sugdare, learned Advocate for respondent no. 1 in the present M.A. / applicant in O.A.

2. Shri Sugdare, learned Advocate has filed affidavit in reply of res. no. 1 / applicant in O.A., in the present M.A. So also Shri Bhosale, learned Advocate has filed affidavit in reply of respondent no. 3 in the O.A. Both the replies are taken on record and copies thereof are supplied to each others.

3. Learned C.P.O. seeks time to take instructions from the concerned respondents. Time granted.

4. In the circumstances, S.O. to 29.10.2020.

5. Interim relief granted earlier in the O.A. to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 442/2020

(Shri Bhagwan S. Naik Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division

Bench.]

DATE : 22.10.2020

ORAL ORDER:

Heard Shri Vijay V. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 26.11.2020.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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

O.A. NO. 442/2020

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(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 26.11.2020.
- 8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.10.2020

ORIGINAL APPLICATION NO. 264/2020

(Shri Sunilkumar R. Rathi Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

DATE : 22.10.2020

ORAL ORDER:

Heard Shri Avinash S. Deshmukh, learned

Advocate for the applicant, Shri M.S. Mahajan, learned

Chief Presenting Officer for the respondent nos. 1 & 2

and Shri Vitthal Dighe, learned Advocate holding for

Shri V.B. Wagh, learned Advocate for respondent no.

4. Shri V.M. Vibhute, learned Advocate for respondent

no. 3 (absent).

2. S.O. to 19.11.2020. The interim relief granted

earlier to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.10.2020

ORIGINAL APPLICATION NO. 26 OF 2020 (Shri Sanjay D. Salunke Vs. State of Maharashtra & Ors.)

CORAM: B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 22.10.2020

ORAL ORDER:

Heard Shri Yogesh H. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per the order dated 21.09.2020, he obtained the notices from the office of this Tribunal for service upon the respondents. Accordingly, he posted the notices with the Post office and some of the respondents were served and therefore, he submitted the service affidavit with the permission of this Tribunal on 05.10.2020. At the same time, he was permitted to file service affidavit regarding other respondents till 19.10.2020. The service report prepared by the Registry of this Tribunal shows that the respondent Nos. 1, 5, 6, 8, 10, 11, 12, 14 to 17 were served after returnable date i.e. on 05.10.2020 and therefore, service is not proper.

- 3. Learned Advocate for the applicant prayed for issuance of fresh notices to the above un-served respondents. Hence, issue fresh notices to the respondent Nos. 1, 5, 6, 8, 10, 11, 12, 14 to 17, returnable on 24.11.2020.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in

//3// O.A. No. 26/2020

the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

- 8. S.O. to 24.11.2020.
- 9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN