(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 : 23/8/2017 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member)~~ A APPEARANCE : Shri/~~Smt.~~ : B.A. Bandiwadekar Advocate for the Applicant Shri/~~Smt.~~ : N.K. Rajpurohit C.P.O / P.O. for the Respondent/s Adj. To 31/8/2017. [illegible]	**Date : 23.08.2017.** **O.A.No.449 of 2017** **V.S. Waigankar & Ors.** ....**Applicants.** **Versus** **The State of Maharashtra & Ors.** .....**Respondents.** 1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents. 2. Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents states as follows :- (a) Affidavit from General Administration Department is received, however, it is a short and lacks reply of all the grounds of challenge. (b) Detailed affidavit-in-reply answering all paragraphs, grounds and points needs to be filed. (c) Four week's time may be granted. 3. In the background that prima facie claim of applicants is based on concluded issue, one week shall be more than enough. Hence one week's time is granted. 4. S.O. to 31.08.2017. Sd/- (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.92 of 2017

Dr. M.S. Bhadke ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. It is considered necessary to put certain questions to Shri Pradeep Vyas, Principal Secretary, Public Health Department in the nature of court questions/cross-examination on the affidavit filed by him on 20.7.2017.

3. Shri Pradeep Vyas, Principal Secretary is directed to appear before this Tribunal at 11 A.M. on 31.8.2017 for answering questions as referred to in para no.1 along with file in which the decision referred to in para 6(d) of his affidavit is recorded.

4. If it is not possible for Shri Pradeep Vyas to appear on 31.8.2017, he should give a date of his choice after 5.9.2017.

5. S.O. to 31.8.2017.

6. Hamdast and steno copy is allowed. Ld. PO is directed to communicate this order to the respondents.

Sd/-

(A.H. Joshi, J.)
Chairman
23.8.2017

(sgj)

DATE: 23/8/2017

CORAM:

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

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

APPEARANCE:

~~Shri~~/Smt.: Punam Mahajan

Advocate for the Applicant

~~Shri~~/Smt.: N. G. Gohad

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

Adj. To 31/8/2017.

(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: 23/8/2017 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE: ~~Shri~~/Smt.: Punam Mahajan Advocate for the Applicant ~~Shri~~/Smt.: K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 19/9/2017	**23.08.2017** **O.A No 529/2017** Shri A.D Dhakne ... Applicant Vs. The State of Maharashtra & Ors... Respondents 1. Heard Smt Punam Mahajan, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents. 2. Learned Presenting Officer prays for four weeks' time to file affidavit in reply answering O.A with reference to each paragraph, point and ground. 3. Time as prayed is granted. 4. S.O to 19.9.2017. Sd/- (A.H Joshi(J) Chairman Akn

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

O.A. No.606 of 2017

Shri P.P. Ramteke & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Dr. G. Sadavarte, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. This Tribunal directed the respondents to respond to the OA by granting four weeks time by order dated 10.7.2017.

3. Today Ld. PO prays for four weeks time.

4. Ld. Advocate for the Applicants urges that he wants to argue on interim relief.

5. Ld. PO prays for two weeks time to argue on interim relief.

6. The Respondent should file response, if any, within one week.

7. Hearing on interim relief would be done on 7.9.2017.

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

Sd/-

(A.H. Joshi, J)
Chairman
23.8.2017

(sgj)

DATE : 23/8/2017
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/~~Smt.~~ : Dr. G. Sadavarte
Advocate for the Applicant
Shri /Smt. : Archana B.K.
C.P.O / P.O. for the Respondent/s

Adj. To 7/9/2017.
Steno copy and hamdast is allowed.

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(G.C.P.) J 2260(B) (50,000-2-2015)

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 23/8/17 CORAM : ~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J APPEARANCE : ~~Shri/Smt.~~ K. R. Jagdale Advocate for the Applicant ~~Shri/Smt.~~ Ms. S. Suryawanshi C.P.O / P.O. for the Respondents ~~Adj. To~~ O.A is admitted. S.O. to 8/9/17. (vsm)	**O.A. No.381 of 2017** **Shri A.S. Mahaldar ... Applicant** **V/s.** **The State of Mah. & ors. ... Respondents** Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents. The learned Advocate for the Applicant submits that the Applicant does not want to file Rejoinder. The Original Application is admitted and appointed for final hearing on 08.09.2017. Sd/- (R.B. Malik) 23.8.17 Member (J) 23.08.2017

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(G.C.P.) J 2260(B) (50,000—2-2015)

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 23/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: ~~Shri/Smt.~~ M.B. Kadam, holding for D.B. Khaire Advocate for the Applicant ~~Shri/Smt.~~ N.K. Rajpurohit C.P.O / ~~P.O. for the~~ Respondents ~~Adj. To~~ S.O. to 9/10/17. (vsm)	**O.A. No.148 of 2017** **Smt. M.H. Patole & others ... Applicants** **V/s.** **The State of Mah. & ors. ... Respondents** Heard Shri M.B. Kadam holding for Shri D.B. Khaire, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents. The learned C.P.O. submits that it is possible that a decision could be taken in respect of ~~the~~ a number of employees including the Applicant and, therefore, longer date is being sought. S.O. to 09.10.2017. Sd/- (R.B. Malik) 23.8.17 Member (J) 23.08.2017

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(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

IN

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: 23/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: ~~Shri/Smt.~~ K. R. Jagdale Advocate for the Applicant ~~Shri/Smt.~~ Archana B.K. ~~C.P.O./P.O.~~ for the Respondents ~~Adj. To~~ O.A. is admitted S.O. to 18/9/17. FH (vsm)	**O.A. No.106 of 2017** **Shri R.V. Pawar & Ors. ... Applicants** **V/s.** **The State of Mah. & ors. ... Respondents** Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Smt. Archana B.K. the learned P.O. for the Respondents. The learned Advocate for the Applicants submits that the Applicants do not want to file Rejoinder. The Original Application is admitted and appointed for final hearing on 18.09.2017. Sd/- (R.B. Malik) 23.8.17 Member (J) 23.08.2017

(G.C.P.) J 2260(B) (50,000--2-2015)

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 23/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: ~~Shri/Smt.~~ G.A. Bandiwadekar Advocate for the Applicant Shri/Smt. A.J. Chougule C.P.O / P.O. for the Respondents Rejoinder filed by Appli. ~~Adj. To~~ O.A. is admitted. S.O. to 15/9/17. FH (vsm)	**O.A. No.34 of 2017** **Shri V.S. Nawle ... Applicant** **V/s.** **The State of Mah. & ors. ... Respondents** Heard Shri G.A. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents. The learned Advocate submits that the Rejoinder will be filed during the course of the day. Upon this statement, the Original Application is admitted and appointed for final hearing on 15.09.2017. Sd/- (R.B. Malik) 23.8.17 Member (J) 23.08.2017

(G.C.P.) J 2269(B) (50,000--2-2015)

(Spl.- MAT-F-2 E.

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

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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: 23/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: Shri/Smt. A.V. Bandiwadekar Advocate for the Applicant Shri/Smt. A.J. Chougule holding for M.R. Rajpurohit C.P.O./P.O. for the Respondents S.O. to 20/9/17. Hamdast.	**O.A. Nos.780, 781 & 782 of 2017** **Smt. A.D. Nawalkar & Ors. ... Applicants** **V/s.** **The State of Mah. & ors. ... Respondents** Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned P.O. holding for Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents. The learned P.O. is being instructed by Shri Kumar Katyarmal, A.S.O. Medical Education & Drugs Department, Mumbai. I have perused the order dated 23.08.2017 made by the State in Medical Education & Drugs Department, thereby the transfers herein impugned of the Applicants have been stayed. It is directed that in the event the stay is vacated by the Government, the order of transfers cannot be infatuated for the period of one week thereafter. The Original Application stands adjourned for 20.09.2017. Hamdast. Sd/- 23.0.17 (R.B. Malik) Member (J) 23.08.2017 (vsm)

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(G.C.P.) J 2260(B) (50,000--2-2015)

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FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 23/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J. APPEARANCE: ~~Shri/Smt.~~ M.B. Kadam Advocate for the Applicant ~~Shri/Smt.~~ Ms. S. Suryawanshi ~~C.P.O./P.O.~~ for the Respondents. O.A. is admitted. ~~Adj. To~~ S.O. to 15/9/17. (vsm)	**O.A. No.965 of 2016** **Shri B.A. Puri** ... **Applicant** **V/s.** **The State of Mah. & ors.** ... **Respondents** Heard Shri M.B. Kadam holding for Shri D.B. Khaire, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents. The learned Advocate for the Applicant submits that the Applicant does not want to file Rejoinder. The Original Application is admitted and appointed for final hearing on 15.09.2017. Sd/- (R.B. Malik) 23.8.17 Member (J) 23.08.2017

(G.C.P.) J 2260(B) (50,000-2-2015)

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

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FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 28/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: ~~Shri/Smt.~~ None for the applicant ~~Advocate for the Applicant~~ Shri/~~Smt.~~ N.K. Rajpurohit C.P.O./~~P.O.~~ for the Respondents Adj. To 13/9/17 before Division Bench	**M.A. No.167 of 2017** **In** **O.A. No.343 of 2017** **Shri K.H. Raul ... Applicant** **V/s.** **The State of Mah. & ors. ... Respondents** None for the Applicant. Heard Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents. Under the Sr. No.13 of the subject of the Division Bench, this is a matter of the Division Bench and it be placed before currently functioning Division Bench on 13.09.2017. Sd/- Sd/- (R.B. Malik) 23.8.17 Member (J) 23.08.2017 (vsm)

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

DATE: 23/8/17
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt. M.D. Lonkar
Advocate for the Applicant
Shri/Smt. K.B. Bhise
C.P.O./P.O. for the Respondents
Adj. To 20/9/17

O.A. No.791 of 2017

Shri P.V. Rathod ... **Applicant**

V/s.

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

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

Issue notice returnable on 20.09.2017.

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

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

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

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

S.O. to 20.09.2017. Learned P.O. do waive service.

Sd/-

23.8.17

(R.B. Malik)
Member (J)
23.08.2017

(vsm)

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

DATE: 23/8/17
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt. A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. A.J. Chougule
C.P.O/P.O. for the Respondents
Adj. To S.O. to 6/9/17

O.A. No.790 of 2017

Shri S.L. Chaudhari ... Applicant

V/s.

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

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

Reserving the right of the Applicant to request for grant of interim relief on the next date, issue notice returnable on 06.09.2017.

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 06.09.2017. Learned P.O. do waive service.

Sd/-

23-8-17

(R.B. Malik)
Member (J)
23.08.2017

(vsm)

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(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

IN

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: 23/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~ Hon'ble Shri R. B. MALIK ~~(Member)~~ (Vice-chairman) APPEARANCE: ~~Shri/Smt.~~ : Punam Mahajan Advocate for the Applicant ~~Shri/Smt.~~ : K.S. Gaikwad ~~C.P.O./P.O.~~ for the Respondents No. 1 & 2 A.V. Bandiwadekar for R.No. 3. ~~Adj. To~~ S.O. to 31/8/17. PH	**O.A. No.639 of 2016** **Shri H.J. Nazirkar ... Applicant** **V/s.** **The State of Mah. & ors. ... Respondents** Heard Smt. Punam Mahajan, the learned Advocate for the Applicant, Smt. Kranti Gaikwad, the learned P.O. for the Respondents 1 & 2 and Shri A.V. Bandiwadekar, the learned Advocate for the Respondent No.3. This is a Part- Heard OA. As the arguments ~~have been~~ are being heard, it transpired that the **W.P.No.8850/2016 (Shri Noreshwar R. Shende V/s. S. B. Nangnure & Ors.)** is now being heard by the Hon'ble High Court and the parties informed that the Hon'ble High Court has been requested by the Hon'ble Supreme Court to decide that matter early. It appears to me, however, that although this O.A. has not been stayed by the Hon'ble High Court and, therefore, there is no hitch in continuing with the hearing, As of today, this O.A. stands adjourned to 31.08.2017. Sd/- 23.08.17 (R.B. Malik) Member (J) 23.08.2017 (vsm)

(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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 23/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~ Hon'ble Shri R. B. MALIK (Member) (Vice-chairman) APPEARANCE: Shri/Smt.: M.B. Kadam holding for G. Sadavarte Advocate for the Applicant Shri/Smt.: Ms. N. G. Gohad holding for K.S. Gaikwad. C.P.O./P.O. for the Respondents Adj. To: O.A. is disposed of. (vsm)	**M.A. No.242 of 2017** **In** **O.A. No.451 of 2017** **Dr. S.D. Wathore ... Applicant** **V/s.** **The State of Mah. & ors. ... Respondents** **L.O.** Mentioned by Shri M.B. Kadam holding for Shri G. Sadavarte, the learned Advocate for the Applicant. He submits that the Applicant has been transferred to Thane which he satisfied with and, therefore, on his request the Original Application is disposed of with no order as to costs. Sd/- (R.B. Malik) 23.08.17 Member (J) 23.08.2017

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 23/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J (Vice Chairman) APPEARANCE: ~~Shri/Smt.~~ A.V. Bandiwadekar Advocate for the Applicant ~~Shri/Smt.~~ N.K. Rajpurohit C.P.O / P.O. for the Respondents ~~Adj. to~~ S.O. to 11/10/17 Hamdast	**O.A. Nos.277 & 278 of 2017** **Shri M.S. Shete & 1 Anr. ... Applicants** **V/s.** **The State of Mah. & ors. ... Respondents** Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents. The Applicants are currently under suspension w.e.f. 18.03.2017. Although in so far as the issue of review of the suspension is concerned, initially on behalf of the State, I was told that the review would be taken only after one year. However, in view of the judgment rendered by me in **O.A.No.1096/2016 (Shri A. S. More V/s. State of Maharashtra & 1 Anr.), dated 21.04.2017,** in which large number of judgments of the Hon'ble Supreme Court and the Hon'ble Bombay High Court were considered, it comes about that in the ultimate analysis review has to be taken quarterly. Therefore, the review ought to have been taken by now, keeping the O.A. pending. I direct that the Suspension Review Committee should meet to take a decision about the suspension of the Applicants within six weeks from today and communicate its decision to the Applicants within one week thereafter. S.O. to 11.10.2017. Hamdast. Sd/- (R.B. Malik) 23.8.17 Member (J) 23.08.2017 (vsm

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(G.C.P.) J 2260(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

IN

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: 23/8/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~ Hon'ble Shri R. B. MALIK ~~(Member)~~ (Vice Chairman) APPEARANCE: ~~Shri/Smt.~~ : A.V. Bandiwadekar Advocate for the Applicant ~~Shri/Smt.~~ : Archana B.K. holding for K.S. Gaikwad ~~C.P.O./P.O.~~ for the Respondents Adj. To 4/9/17 Hamdast.	**O.A. No.770 of 2017** **Shri S.M. Soundane ... Applicant** **V/s.** **The State of Mah. & ors. ... Respondents** Heard Shri, A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. Archana B.K. holding for Smt. Kranti Gaiwkad, the learned P.O. for the Respondents. The learned P.O. is being instructed by Shri Prasad R. Shinde, Section Officer, Revenue & Forest Dept., Mantralaya, Mumbai. A compilation whereof the first page and the last page have been initialed by me, is taken on record. There is no other document relevant here for as per the statement of the learned P.O. on instruction. The Original Application stands adjourned to 04.09.2017. Time to carry out the amendment is extended by two weeks from today. Hamdast. Sd/- 23.8.17 (R.B. Malik) Member (J) 23.08.2017 (vsm)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Contd. of Page
Order dt.:- 02/8/17 Communicated by Resp. No. _____ by Hon'ble Resp No. 2 By Post on :- 03/8/17 19	OA NO 177/17 Learned C.P.O states on instructions that enquiry ~~[illegible]~~ would be completed within four months. Learned Advocate for the applicant states on instructions that let the OA be disposed by keeping all grounds and remedies open. Hence OA is accordingly disposed. Sd/- (AH/Joshi) 23/8/2017

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	O.A. 198/17
DATE: 9/8/2017 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.: K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 23/8/17 at the request of adv. for the appl. B.C.	
DATE: 23/8/2017 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.: K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To Admit. OA shall come up for Final hearing in due course. B.C.	Admit. OA shall come up for hearing in due course. Let the enquiry be completed, but final order if any and if adverse to the applicant, shall not be implemented without leave of this Tribunal. Sd/- (A.H. Joshi) 23/8/2017.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.350 OF 2017

Shri B.A. Bandkar ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Shri K.R. Jagdale, the learned Advocate for the Applicant.

Miss Savita Suryawanshi, the learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 23.08.2017

ORDER

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Miss Savita Suryawanshi, the learned Presenting Officer for the Respondents.

2. Shri Shrikant Singh Secretary's affidavit answering show cause against costs was tendered on 2.8.2017, and it was taken on record. After perusal of affidavit, this Tribunal found that the Affidavit had failed to furnish plausible reply to the notice of show cause against costs, and hence prima facie, the affidavit was not satisfactory. Therefore, learned P.O. was called to find out as to whether the officer wants to file additional affidavit or say if, Tribunal should proceed to hear the aspect of notice of show cause against costs.

3. Today when additional affidavit has not come up, this Tribunal thought it proper to have the case heard.

4. Parties were called to make submissions.

5. At this stage, learned P.O. states that there is a communication gap between the learned P.O. and the Secretary. The Secretary, Shri Shrikant Singh believes that some order is passed by this Tribunal on 02.08.2017 directing him to file some affidavit and he is waiting for its copy, while any express order is on record, though this Tribunal had expressed grave dissatisfaction about Shri Shrikant Singh's affidavit.

6. Thereafter, learned P.O. sought time for filing additional affidavit. However, all these aspects were not recorded in the order dated 02.08.2017.

7. Learned P.O. further states that there is communication gap on her part, because she has failed to communicate as to what had exactly transpired before the Tribunal on 02.08.2017, and exact developments ought to be communicated. Therefore learned P.O. prays for a week's time to communicate exact development, and to find out, if the Secretary, Shri Shrikant Singh volunteers to file additional affidavit.

8. In view of submissions and prayer of learned P.O., hearing is adjourned to 07.09.2017.

(A.H. Joshi, J.)
Chairman

(sgj)

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THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1172 OF 2016

DISTRICT: SANGLI

S.M. Govande .. **Applicant**

Versus

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

Shri S.B. Deshpande, the learned Advocate for the Applicant.

Ms. N.G. Gohad, the learned P.O. for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 23.08.2017.

ORDER

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

2. It is seen that Respondents have taken corrective measure. Charges Nos.2 and 3 from the charge-sheet, (copy whereof is on record at page 20) have already been deleted from O.A. paper book. The disciplinary proceeding as regards Charges No.3 and 4 has been continued.

3. It is alleged that modification is issued by the corrigendum dated 25.04.2017, which Applicant has placed on record, continues to violate the mandate of Rule 27(4) of Maharashtra Civil Services (Pension) Rules, 1982.

4. During the course of admission hearing Applicant has tried to show that though corrigendum is issued, Charge No.1 as well as Charge No.4 remained to be the same. Therefore, this Tribunal had directed the Principal Secretary, by order dated 03.07.2017, to file affidavit to test and show if charge sheet is hit by Rule 27(4) of Maharashtra Civil Services (Pension) Rules, 1982.

5. Principal Secretary, Water Resources Department has filed the affidavit. Perused the affidavit if Principal Secretary.

6. During the hearing, today this Tribunal had directed learned P.O. for the Respondents and Officers assisting learned P.O. to arrange Charge No.1 as seen originally in charge-sheet dated 09.09.2014 copy whereof is at page nos.26 to 29 and Charges No.1 and 6, seen at page No.71 to place in juxta position and mark the position which are concurrent so that difference can be identified.

Learned P.O. accordingly did that exercise and argued the case. Representative of Government too was permitted to address.

7. It is seen that imputation and charge namely Charge No.4 seen at page No.29 and Charge No.4 seen at page No.71 are concurrent and those are hit by Rule 27 (4), since it is not shown that the imputations relate to the misconduct within four years of the date of superannuation.

8. In so far as Charge No.1 is concerned, certain text namely :-

> "बाब क्र.१ : कामे वाटप करतांना सार्वजनिक बांधकाम विभाग, शासन निर्णय क्र.सीएटी ०७/०६/प्र.क्र. ९४ / इमा.२, दि. १६.११.२००६ नुसार मजूर सहकारी संस्था, सुशिक्षित बेरोजगार अभियंता व पात्र नोंदणीकृत कंत्राटदार यांच्यामध्ये ३३:३३:३४ या प्रमाणात वाटन करावयाचे असतांना नसे करण्यात आले नाही."

(Quoted from page 26 of O.A. paper book)

is concurrent with the text appearing at page No.71. Remaining description is slightly different. However the period referred to in page No.71 is from 30.06.2008 to 15.09.2011 which is 4 years prior to the date of superannuation of applicant. Thus prima facie, Charge No.1 too is also bad in view of Rule 27(4) of Maharashtra Civil Services (Pension) Rules, 1982.

9. Thus it is very well borne on record that charges subject matter are prima facie untenable being served in violation of Rule 27(4) of Maharashtra Civil Services (Pension) Rules, 1982.

10. Admit. Heard on interim relief.

11. On what has transpired and what is recorded in foregoing paragraphs, the Applicant has made out strong case for grant of interim relief by way of stay. No loss damage whatsoever will be caused to the State, if enquiry remains stayed. It is also a common ground that other delinquents have been treated with lenience because they have admitted the misconduct. This fact would also weight in favour of the applicant.

12. Hence interim relief is granted in terms of prayer clause paragraph 8. Paragraph No.8 reads as follows :-

> "Applicant prays to stay the Enquiry against him as per the impugned letter / order dated 15/10/2016 EX. 'M' herein addressed to the Respondent No.3 by the Respondent No.1 and as per the Charge Sheet dated 09/09/2014 bearing No.09/09/2014, G.R.No. SHIBHANKA2012/ (161/2012) Dakshata – 1 EX. 'C' till the final hearing of this Original Application so also, the Letter dated 25/04/2017 addressed to the Respondent No.3 by the Respondent No.1 EX. 'N' be stayed till the final hearing and final disposal of this Original Application. "
>
> (Quoted from page 18 of O.A. paper book)

13. It is clarified that State shall be free to reconsider and withdraw charge-sheet.

14. O.A. to come up for hearing in due course.

(A.H. Joshi, J.)
Chairman

prk