(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.499/16 In
O.A.1059/2016

Shri M.D. Khot ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri S.S. Dere, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Issue notice returnable on 21.12.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 21st December, 2016.

Sd/-
(R.B. Malik) 23-11-16
Member (J)
23.11.2016

(skw)

DATE : 23/11/16
CORAM : Shri R.B. Malik
Hon'ble ~~Justice Shri A. H. Joshi (Chairman)~~
Hon'ble ~~Shri M. Rameshkumar (Member)~~ A
APPEARANCE :
Shri/~~Smt~~ : S.S. Dere
Advocate for the Applicant
~~Shri/Smt~~ : A.B. Kololgi
C.P.O / P.O. for the Respondent/s

~~Adj. To~~ Issue notice returnable on 21/12/16

[P.T.O.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

O.A. NO.1031 of 2016
(O.A. No.791 of 2015 (N'pur))

Dr. Mrinalini (Shastri) M. Borkar) ...Applicants

Versus

State of Maharashtra & 3 Ors.) ...Respondents

Shri N.D. Thombare with Shri S.M. Pandey, Advocates for Applicants.

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

CORAM : RAJIV AGARWAL, VICE-CHAIRMAN
R.B. MALIK (MEMBER-JUDICIAL)

DATE : 23.11.2016

PER : R.B. MALIK (MEMBER-JUDICIAL)

ORDER

Heard Shri N.D. Thombare, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

This O.A. in fact will have to be disposed of on a short but crucial point other than which there is no real option.

The applicant is Assistant Professor Group-A in the Department of Surgery Government Medical College, Nagpur. The applicant is aggrieved by the provisional seniority list issued by the Director of Medical Education and Research (MS), Mumbai, who is the second respondent hereto. She seeks directions to publish a fresh seniority list of the Assistant Professor as on 01.01.2014 by giving a proper placement to the applicant and also to the private party, respondent no.4. This O.A. in fact arises basically in view of the directions given by this very bench in deciding the **O.A. No.1051/2013 (Smt Lata N. Bhoir V/s State of Maharashtra & 2 Ors., dated 23.9.2014**, para 7 thereof needs to be fully produced for facility.

"7. We find that the G.R. dated 4.5.2009 (condition no.9 in schedule A) does not give any date before option has to be exercised. There is no default option, e.g. if no option is exercised, and if a candidate has joined pursuant to recommendation of M.P.S.C. his / her seniority will be counted from the date of such joining report. In absence of any time limit, it will be in the fitness of things, if the time for giving option is extended. The Respondents are directed to give some time to those candidates, who have not yet exercised option and also given default option. This may be done within a period of four weeks from the date of this order. Orders of the Respondents dated 9.11.2010, 21.2.2011 and 7.2.2012 are quashed and set aside. The Applicant will be at liberty to exercise her option as & when the revised time limit for exercising such option is given. O.A. is disposed of accordingly with no order as to costs."

We had given directions to the respondents to give some time to those candidates who had not yet exercised the option and also default option for which we had granted four weeks time. It is clear that this simple direction was not complied with and the applicant was not given the opportunity to act in accordance there with. It is very clear that those directions were not person specific but by using words "to those candidates" it was made clear that all those candidates would be covered thereby and, therefore, in our opinion this O.A. will have to be disposed of with direction to the respondents to make proper implementation of our order dated 23.9.2014 in O.A.No.1051/2013 and treat the applicant and **others** accordingly.

This Original Application is disposed of with a direction contained in the preceding paragraph with no order as to cost.

Sd/-
(R.B. MALIK)
MEMBER (J)
23.11.2016

Sd/-
(RAJIV AGARWAL)
VICE-CHAIRMAN
23.11.2016

(vsm)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

O.A. NO.854 of 2016
(O.A. No.538 of 2013 (N'pur))

Maharashtra State Govt. Mofusil Stenographers Association, N'pur) ...Applicants

Versus

State of Maharashtra) ...Respondents

Shri N.D. Thombare with Shri S.M. Pandey, Advocates for Applicants.

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

CORAM : RAJIV AGARWAL, VICE-CHAIRMAN
R.B. MALIK (MEMBER-JUDICIAL)

DATE : 23.11.2016

PER : R.B. MALIK (MEMBER-JUDICIAL)

ORDER

This matter relates to the pay-scales of Stenographers working in the State of Maharashtra as Stenographer Selection Grade/P.A., Stenographer (H.G.) and Stenographer (L.G.).

We have perused the record and proceedings and heard Shri N.D. Thombare with Shri S.M. Pandey, the learned Advocates for the applicants and Shri K.B. Bhise, the learned P.O. for the respondents.

It is not necessary for us to make detailed statement of facts herein because ultimately the result of this Original Application will depend upon some of the salient features which would be suffice to mention herein. It is an admitted position that disparity is there in pay-scales in Central Government and Judiciary in the State of Maharashtra on one hand and the cadre which the applicants belong to, on the other. The applicants, therefore, have been longing to secure parity in that behalf. The matter was placed before pay anomaly committee and its recommendations in that behalf is perused by us. The conclusions are mentioned that the applicants

were not entitled to any relief. There are no reasons given to justify the said conclusion. In exercise of powers of judicial review of administrative action in the matter such as this one, we may not be able to give any conclusive directions. The perusal of the record would show that on 9.5.2008 the then Chief Secretary made a note that the issue of pay parity was accepted by the Hon'ble Chief Minister. There are other notings in that behalf. The details thereof in fact need not be mentioned. The decision was apparently taken to place the matter before the cabinet. That apparently was not done and has not been done, till now.

Now, in the state of the circumstances such as they are and the established fact of disparity in the pay-scales, it is no doubt true that the final decision one way or the other has to be taken. This Tribunal exercises jurisdiction of judicial review of administrative action and as mentioned above this jurisdiction is not so expansive as of any other judicial body which is conferred with plenary jurisdiction. In that view of the matter, therefore, we are of the opinion that this O.A. should be disposed of with direction that the matter be placed before the cabinet for an appropriate decision in this matter which has remained pending for the last about 8-9 years. A time limit would be in our view proper to be prescribed. In that view of the matter, therefore, this O.A. is disposed of with a direction that the issue be placed before the cabinet with a request to take a decision considered proper preferably within a period of three months from today. No order as to cost.

Sd/- Sd/-

(R.B. MALIK)
MEMBER (J)
23.11.2016

(RAJIV AGARWAL)
VICE-CHAIRMAN
23.11.2016

(vsm)

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

C.A.No.66 of 2015 in O.A.No.499 of 2014

A.V. Joshi **....Applicant.**

Versus

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

Shri C.T. Chandratre, the learned Advocate for the Applicant.

Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman

Date : 23.11.2016.

O R D E R

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

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

(a) Applicant's pension has been revised.

(b) Pension Payment Order (P.P.O.) is issued.

(c) In view of the apology already tendered, C.A. be disposed.

3. This Tribunal has read affidavit of apology filed by Shri Rajesh Kumar, Principal Secretary, Water Supply & Sanitation Department, Mantralaya, Mumbai.

4. Affidavit contains numerous errors. It is difficult to believe that an I.A.S. Officer would write such language.

5. The manner in which the affidavit has been signed including the signature at page 41 of the paper book of O.A. and no signature at the place which ought to have been, only proves that affidavit was simply got done by putting the signatures, as if, on the dotted lines, and without even reading the narrations, much less upon application of mind.

6. Therefore, though the said affidavit contains an apology it is of the sort of lip service. Consequently, the apology emerges to be one which is mechanically reproduced by copy and paste technique. Prima facie, it does not emerge from the heart.

7. Hence, Shri Rajesh Kumar, Principal Secretary, Water Supply & Sanitation Department is directed to remain present on next date to explain the aspects noted in paragraphs No.4 to 6.

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

9. S.O. to 25.11.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

D:\PRK\2016\11 NOV\23.11\C.A.66-15 IN O.A.499-14.doc

(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.103/2016

Shri M.S. Pawar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Mr. Lonkar, the learned Advocate for the Applicant makes a statement that the Applicant does not want to file Rejoinder. Admit.

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

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

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

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

If the reply of the GAD is filed just before the hearing is commences, it will be taken on record but no adjournment shall be given.

S.O. to 14th December, 2016.

Sd/-

(R.B. Malik) 23-11-16
Member (J)
23.11.2016

(skw)

DATE : 23/11/16
CORAM : Shri R.B. Malik
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 14/12/16.

B.T.C.

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.1059/2016

Shri M.D. Khot ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri S.S. Dere, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Issue notice returnable on 21.12.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 21st December, 2016.

Sd/-

(R.B. Malik) 23-11-16
Member (J)
23.11.2016

(skw)

DATE: 23/11/16
CORAM: Shri R.B. Malik
Hon'ble ~~Justice Shri A. H. Joshi (Chairman)~~
Hon'ble ~~Shri M. Ramesh kumar (Member)~~ A
APPEARANCE:
Shri/Smt : S.S. Dere
Advocate for the Applicant
Shri/Smt : A.B. Kololgi
C.P.O / P.O. for the Respondent/s

Adj. To: Issue notice returnable on 21/12/16

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.838/2016

Dr. A.E. Gawali ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Mr. Dr. S. Sadavarte, the learned Advocate for the Applicant, Mr. M.D. Lonkar, the learned Special Counsel for Respondents 1, 2 & 3 and Shri K.B. Bhise, the learned Presenting Officer for the Respondent No.4.

Mr. Sadavarte, the learned Advocate makes a statement that in view of the Division Bench of this Tribunal having decided OAs Nos. 800/2016, 815/2016 and one more OA this morning itself, he has instructions not to press this OA and on his request, therefore, the same is disposed of as not pressed with no order as to costs.

Sd/-

(R.B. Malik)
Member (J)
23.11.2016

(skw)

DATE: 23/11/16
CORAM: Shri R.B. Malik (M/J)
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh Kumar (Member) A~~
APPEARANCE:
Shri/~~Smt.~~ : Dr. S. Sadavarte
Advocate for the Applicant
Shri /~~Smt.~~ : M.D. Lonkar Id. Spl. Counsel
~~G.P.O / P.O.~~ for the Respondent/s 1, 2 & 3.
~~with~~ Shri K.B. Bhise for R.4.
~~Adj. To~~ OA is disposed of.

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 23/11/16

CORAM : Shri R.B. Malik

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

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

APPEARANCE :

~~Shri/Smt.~~ : M.R. Patil

Advocate for the Applicant

~~Shri/Smt.~~ : A.B. Kololgi

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

Adj. To..... Admit Liberty to mention is granted

O.A.609/2016

Shri P.R. Acharekar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri M.R. Patil, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Affidavit-in-reply of GAD is not filed. See the order dated 26.10.2016. OA proceeds without the Affidavit-in-reply of the GAD. The Applicant does not want to file Rejoinder. Admit. Liberty to mention granted.

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

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

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

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

If the reply of the GAD is filed just before the hearing is commences, it will be taken on record but no adjournment shall be given.

Sd/-

(R.B. Malik) 23-11-16
Member (J)
23.11.2016

(skw)

P.T.O.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Manarashtra 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.984/2015 with O.A.1016 & 1021/2015

Shri S.A. Sarwade & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

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

Heard both the sides. It is not necessary for me to make any detailed comments. I, however, direct that whatever decision has been taken in respect of the issue relevant hereto be communicated to the Applicants within one week from today.

S.O. to 7th December, 2016. Hamdast.

Sd/-

(R.B. Malik) 23-11-16
Member (J)
23.11.2016

(skw)

DATE : 23/11/16
CORAM :
Hon'ble ~~Justice Shri A. H. Joshi (Chairman)~~ Shri R.B. Malik
Hon'ble ~~Shri M. Ramesh Kumar (Member) A~~
APPEARANCE :
Shri/Smt. : B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : S. Suryawanshi
C.P.O / P.O. for the Respondent/s

Adj. To 7/12/16. Hamdast

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 23/11/16

CORAM : Shri R.B. Malik (M/J)

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. : K.B. Bhise

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

Adj. To... Admit. Libety to mention is granted.

O.A.436/2016

Ms. K.V. Kalekar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Shri Bhise, the learned PO submits a letter dated 1.6.2016 which is on his request taken on record. The OA proceeds without the Affidavit-in-reply of Respondent No.2. The Rejoinder to the reply of Respondent No.1 is taken on record. Admit. Liberty to mention granted.

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

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

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

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

Sd/-

(R.B. Malik) 23-11-16
Member (J)
23.11.2016

(skw)

[P.T.O.

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

Date : 23.11.2016.

O.A.No.189 of 2014 with O.A.No.190 of 2014

M.V. Kulkarni (O.A.189/2014)
A.R. Jadhav (O.A.190/2014)

....Applicants.

Versus

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

1. Heard Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned Advocate Smt. Punam Mahajan is absent and has filed leave note.

3. Learned P.O. Smt. K.S. Gaikwad for the Respondents states that Shri Bhushan L. Thete, Head Clerk, D.G.P. Office, Mumbai is present.

4. Learned P.O. is directed to secure instructions on the point as to whether any legal impediment exists in passing the orders, furtherance to recent policy decision given by Government, relating to uniformity of transfers / retransfers relating to transfer / posting upon cession of the enforcement of Code of Conduct.

5. In view of the request of learned P.O., adjourned to 25.11.2016.

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

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

prk

DATE : 23/11/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : Leave note at Adv. P. Take on Record Mahajan
Advocate for the Applicant
Shri /Smt. : K. S. Gaikwad
C.P.O / P.O. for the Respondent/s
A.O. To 25/11/16

(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 : 23.11.2016.

O.A.No.31 of 2015

Dr. S.N. Waydande **....Applicant.**

Versus

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

1. Heard Shri P.V. Patil, the learned Advocate with Shri Shamsundar Solanke, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. At the request of learned Advocate Shri P.V. Patil for the Applicant, adjourned to 30.11.2016.

(A.H. Joshi J.)
Chairman

prk

DATE : 23/11/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
~~Shri/Smt.~~ P.V. Patil with Shamsundar Solanke
Advocate for the Applicant
Shri /Smt. : K.B. Bhise
C.P.O / P.O. for the Respondent/s

Adj. To 30/11/16

[P.T.O.

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 : 23.11.2016.

C.A.No.131 of 2015 in O.A.No.907 of 2012

P.A. Vanjeri **....Applicant.**

Versus

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

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

2. Learned P.O. Shri K.B. Bhise for the Respondents states as follows :-

(a) Proposal submitted by the Urban Development Department to the General Administration Department (G.A.D) is approved by the G.A.D on 19.11.2016.

(b) Thereafter, the file is submitted to the Finance Department on the same date.

(c) One week time may be granted for reporting compliance.

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

4. In view of request of learned P.O., adjourned to 01.12.2016.

Sd/-

(A.H. Joshi J.)
Chairman

prk

DATE : 23/11/16

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. : K.B. Bhise

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

Adj. To 01/12/16

[P.T.O.

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 : 23.11.2016.

O.A.No.1052 of 2015

B.A. Dhande **....Applicant.**

Versus

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

1. Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned Advocate Shri J.N. Kamble for the Applicant states and prays as follows :-

(a) Leave to amend and substitute the memo of O.A. and, if necessary, to add annexures and substitute index and synopsis, may be granted

(b) Amendment is necessary because crucial factual aspects have remained to be brought on record.

3. Accepting the request of learned Advocate Shri J.N. Kamble, leave to amend for substitution of O.A. etc. as prayed for is granted.

4. Learned Advocate Shri J.N. Kamble undertakes to carry out the substitution within two weeks.

5. O.A. be listed for further orders for fixing date of hearing and, if necessary, for filing reply, to 22.12.2016.

(A.H. Joshi J.)
Chairman

prk

[P.T.O.

DATE : 23/11/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : J. N. Kamble
Advocate for the Applicant
Shri /Smt. : D. C. Chavan B. K.
C.O / P.O. for the Respondent/s

22/12/16

(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 : 23/11/16

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ : R.M. Kolge

Advocate for the Applicant

~~Shri/Smt.~~ : K.S. Gaikwad

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

~~Adj. To~~ CA is disposed of.

Date : 23.11.2016.

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

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

Versus

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

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

2. Learned Advocate Shri R.M. Kolge for the Applicants states as follows :-

> Order is complied with, as regards all the applications in relation to the Applicants, and the claim of four cases in which cases caste claim was invalidated, those whose claim is denied. Those four Applicants would like to make representation.

3. In view of the compliance, Applicants does not want to press this application.

4. It is not necessary to proceed with this application in view of statement of learned Advocate for the Applicant. Hence, this C.A. is disposed of.

Sd/-

(A.H. Joshi J.)
Chairman

prk

[P.T.O.

(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 : 23.11.2016.

O.A.No.203 of 2016 with O.A.No.223 of 2016 with O.A.No.224 of 2016 with O.A.No.225 of 2016

P.R. Hanpude & 27 Ors. (O.A.203/2016)
A.S. Yadav (O.A.223/2016)
M.V. Pawar (O.A.224/2016)
S.S. Jadhav (O.A.225/2016) ....Applicants.

Versus

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

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

2. In this case hearing was adjourned to 21.11.2016. However, by mistake in the transcription, it was shown as adjourned to 22.08.2016.

3. In view of this, the case shall come up on board on 29.11.2016.

(A.H. Joshi J.)
Chairman

prk

DATE : 23/11/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : None for the Applicants
Advocate for the Applicant
Shri /Smt. : A. J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To.....29/11/16.....

[P.T.O.

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 : 23.11.2016.

O.A.No.326 of 2016 with M.A.No.215 of 2016

Dr. Y.M. Kokadwar **....Applicant.**

Versus

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

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

2. In view of the fact that connected matter i.e. O.A.No.611 of 2016 is adjourned to 01.12.2016, present O.A. with M.A. is also adjourned to 01.12.2016.

Sd/-

(A.H. Joshi J.)
Chairman

prk

DATE : 23/11/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakumar (Member) A~~
APPEARANCE :
Shri/Smt. : S. P. Manchekar
Advocate for the Applicant
Shri /Smt. : K. S. Gaikwad
C.P.O / P.O. for the Respondent/s
Adj. To 01/12/16

[P.T.O.

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 : 23/11/16

CORAM :

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

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

APPEARANCE :

~~Shri/Smt.~~ : S.P. Manchekar

Advocate for the Applicant

~~Shri~~/Smt. : K.S. Gaikwad

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

Adj. To 1/12/16. Steno copy & Hamdast is allowed to Ld. P.O.

Date : 23.11.2016.

O.A.No.611 of 2016

Dr. Y.M. Kokadwar **....Applicant.**

Versus

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

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

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents on instructions states as follows :-

(a) The matter is being processed for withdrawal of the impugned order and the matter is recommended for that purpose.

(b) Thereafter, if fresh proposal is received from Prisons Department, the matter will be considered on its own merit in accordance with law.

(c) Hon'ble Minister's approval would be required and it would be possible only after the Hon'ble Minister's return from his abroad journey, for this purpose hearing be adjourned.

3. In view of the foregoing, adjourned to 01.12.2016.

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

Sd/-

(A.H. Joshi J.)
Chairman

prk

[P.T.O.

..... 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 : 23.11.2016.

O.A.No.297 of 2015

U.N. Yadav & Ors. ....Applicants.

Versus

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

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. Ms. N.G. Gohad for the Respondents has tendered reply. It is taken on record.

3. Learned Advocate Shri B.A. Bandiwadekar for the Applicants prays for time to consider the reply, file rejoinder, only if it is imperative.

4. Time as prayed for is granted.

5. S.O. to 04.01.2017.

Sd/-

(A.H. Joshi J.)
Chairman

prk

DATE : 23/11/16
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.G. Gohad
C.P.O / P.O. for the Respondent/s
Adj. To : 04/01/17

[P.T.O.

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 : 23/11/16

CORAM :

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :

Shri/Smt. : V.P. Pathare

Advocate for the Applicant

Shri /Smt. : K.B. Bhise

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

Adj. To 24/11/16.

DATE :

CORAM :

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :

Shri/Smt. :

Advocate for the Applicant

Shri/Smt. :

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

Adj. To

Date : 23.11.2016.

C.A.No.124 of 2015 in O.A.No.680 of 2012

R.M. Sundarani. **....Applicant.**

Versus

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

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

2. Learned P.O. Shri K.B. Bhise for the Respondents states as follows :-

(a) Order passed by this Tribunal in the O.A. is carried before the Hon'ble High Court.

(b) Writ Petition is admitted. Order passed by this Tribunal is stayed by Hon'ble High Court.

3. Learned Advocate Shri V.P. Potbhare for the Applicant states as follows :-

(a) He would take instructions from the Applicant as to whether he would like to withdraw this application with liberty to file fresh application, if occasion for that purpose arises after decision of Writ Petition by Hon'ble High Court.

(b) For this purpose, he wants time.

4. S.O. to 24.11.2016.

(A.H. Joshi J.)
Chairman

prk

[P.T.O.

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

O.A.No. 1084/2016

Khudbuddin Dastgir Shaikh ... Applicant
V/s.
The State of Mah. & 3 ors. ... Respondents

Heard Shri S.S. Dere, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

Issue notice returnable on 21.12.2016.

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

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

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

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

S.O. to 21.12.2016. Learned C.P.O. do waive service.

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN

DATE: 23/11/16
CORAM:
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.~~ N.K. Rajpurohit
~~C.P.O / P.O.~~ for the Respondents
~~Adj. to~~ S.O. to 21/12/16.

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

O.A.No. 1092/2016

Shri Dilip G. Wagh ... Applicant
V/s.
The State of Mah. & ors. ... Respondents

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

Issue notice returnable on 21.12.2016.

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

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

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

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

S.O. to 21.12.2016. Learned P.O. do waive service.

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN

DATE: 23/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ P. S. Pathak
Advocate for the Applicant
~~Shri/Smt.~~ A. J. chougule
~~C.P.O / P.O. for the Respondents~~ filed
Affidavit of Service by Applicant.
Adj. To S.O. to 21/12/16.

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.636/2016

Shri S.B. Raikar ... Applicant

V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant. Shri D.B. Khaire, Special Counsel with Smt Kranti Gaikwad, the learned Presenting Officer for the respondents.

Affidavit-in-Rejoinder is filed by the learned Advocate for the applicant.

If the Sur-rejoinder is to be filed by the Respondents, it must be filed on the next date.

Original Application is admitted, to come up for final hearing on 5.12.2016.

DATE: 23/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/Smt. A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. D.B. Khaire
~~C.P.O. / P.O.~~ for the Respondents
Spl. Counsel with K.S. Gaikwad
~~Adj.~~
O.A. is admitted.
S.O. to 5/12/16.

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN
23.11.2016

(vsm)

(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. 283/2016
In
O.A.No.706/2016

Shri I. G. Kulkarni ... Applicant

V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned P.O. for the Respondents.

Affidavit-in-Rejoinder is filed by the learned Advocate for the applicant.

Admit, to come up final hearing on 7.12.2016.

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN
23.11.2016

DATE: 23/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
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~~ O.A. is Admit
S.O. to 7/12/16.
with
M.A. in O.A.
FH

2

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

O.A.No. 1096/2016

Shri Anandkumar S. More ... Applicant
V/s.
The State of Mah. & ors. ... Respondents

Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Smt Kranti Gaikwad, the learned P.O. for the Respondents.

Issue notice returnable on 21.12.2016.

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

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

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

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

S.O. to 21.12.2016. Learned P.O. do waive service.

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN
23.11.2016

DATE: 23/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ : C.T. Chandratre
Advocate for the Applicant
~~Shri/Smt.~~ : K.S. Gaikwad
~~C.P.O / P.O.~~ for the Respondents
~~Adj. To~~ S.O. to 21/12/16.

(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.850/2016

Shri S. R. Sankhe ... Applicant
V/s.
The State of Mah. & ors. ... Respondents

Heard Shri S.B. Gaikwad, the learned Advocate for the Applicant and Ms S. Surywanshi, the learned P.O. for the Respondents.

Learned P.O. has filed affidavit-in-reply. The learned Advocate for the applicant does not want to file rejoinder.

Original Application is admitted and is to come up for final hearing on 30.11.2016.

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN
23.11.2016

DATE: 23/11/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
~~Shri/Smt.~~ : S.B. Gaikwad
Advocate for the Applicant
~~Shri/Smt.~~ : Ms. S. Surywanshi
~~C.P.~~ / P.O. for the Respondents
Reply filed by R.Nos. 1&2.
~~Adj. to~~ : A. is admitted.
S.C. to 30/11/16.

(vsm)

(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 Offi er.....)

Office Notes, Office Memoranda of Coram, Appear ance, Tribunal's orders or directio ns and Registrar's orders	Tribunal's orders

O.A.No.851/2016

Shri K.V. Thakur ... Applicant

V/s.

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

Heard Shri S.B. Gaikwad, the learned Advocate for the Applicant and Ms S. Surywanshi, the learned P.O. for the Respondents.

Learned Advocate for the applicant states that by order dated 22.11.2016, the applicant has been granted first and second benefits of Assured Career Progression Scheme and as such the grievance has been redressed by the respondents.

Consider the submission made by the learned Advocate Shri Gaikwad noting survives in this O.A.

The Original Application is disposed of with no order as to cost.

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN
23.11.2016

DATE: 23/11/16
CORAM:
Hon'ble Shri. RAJIV AG RWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt. S. B. Gaikwad
Advocate for the Applicant
Shri/Smt. Ms. S. Surywanshi
C.P.O / P.O. for t e Respondents

Adj. To: O.A. is disposed of.