6

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

Date : 24.10.2016

M.A. No.425 & 426 of 2016
in O.A.59 of 2016 With
M.A. No.427 of 2016 in O.A.61 of 2016

The State of Maharashtra & Ors .....Applicants
(Ori. Respondents)

Versus

A.A. Potnis
....Respondent
(Ori. Applicant)

1. Heard Ms N.G. Gohad, the learned Presenting Officer for the Applicants (Ori. Respondents) and Ms S.P. Manchekar, the learned Advocate for the Respondent (Ori. Applicant).

2. These applications in effect are for recalling of the order dated 31.8.2016 made by the 1st Bench of this Tribunal presided over by the Hon'ble Chairman. The matter has now been assigned to me.

3. Ms. S.P. Manchekar, the learned Advocate for the present respondent wanted time to file Affidavit-in-Reply. However, for the reasons to be presently set out, it is not at all necessary to prolong these matters any further because such is the conduct of present applicant. A copy of the order dated 31.8.2016 is hereto annexed (Page 5 of the PB). The Hon'ble Chairman was pleased to direct that the present applicant being the respondent therein should file fresh affidavit and pay cost of Rs.10,000/- to the applicants of each of these Original Applications. Further, it was provided that if the affidavit-in-reply was not filed within four weeks, the OA would be heard and decided on the basis that the averments in the O.A. went untraversed.

4. It is clear, therefore, that the cost was required to be paid within four weeks from the order dated 31.8.2016. In her customary fairness, Ms N.G. Gohad, the learned P.O. accepts the position that the cost has not been deposited till date and no move was made to seek the sanction of the Tribunal or such non-compliance, it is, therefore, absolutely clear that to allow this M.A. would be putting premium on deliberate disobedience and the only relief that I can possibly grant is not to saddle any further cost than already saddled by the order of the Hon'ble Chairman.

5. These M.A.s, therefore, dismissed. The O.A. to proceed as per law. In as much as these M.A.s have been decided on merit other applications for condonation of delay etc. no more survive. They stand disposed of.

Sd/-

(R.B. Malik)
Member(J)

VSM

DATE : 24/10/16
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL~~
~~(Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE :
~~Shri/Smt.~~ Ms. N.G. Gohad
Advocate for the Applicant
~~Shri/Smt.~~ Ms. S.P. Manchekar
C.P.O / P.O. for the Respondents

~~Adj. to~~ M.As are dismissed.
O.A. Adj. to 8/11/16.

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

Date : 24.10.2016

O.A. No.1023 of 2016

S.K. Kapre & Ors .... Applicants

Versus

The State of Maharashtra & Ors....Respondents

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

2. Issue notice returnable on 08.11.2016.

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

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

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

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

7. S.O. to 21.11.2016. Learned P.O. do waive service.

Sd/-

(R.B. Malik)
Member(J)

DATE : 24/10/16
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. : Archana B.K.
C.P.O / P.O. for the Respondents
Adj. To : S.O. to 21/11/16.

VSM

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 : 24.10.2016

M.A. No.423 of 2016
in
O.A. No.1023 of 2016

S.K. Kapre & Ors .... Applicants

Versus

The State of Maharashtra & Ors....Respondents

DATE : 24/10/16
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. : Archana B.K.
~~C.P.O./P.O.~~ for the Respondents
~~Adj. to~~ M.A. is Allowed.

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

2. This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

Sd/-

(R.B. Malik)
Member(J)

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
DATE : 24/10/16 CORAM : Hon'ble Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramesh kumar (Member) A APPEARANCE : Shri S.Y. Deopujari Advocate for the Applicant Shri S. Suryawanshi C.P.O. / P.O. for the Respondent/s Adj. To 18/11/16. Sd/-	**Date : 24.10.2016.** **M.A.No.371 of 2016 in O.A.No.443 of 2014 (Nagpur)** **R.D. Wardhane ...Applicant** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. Heard Shri S.Y. Deopujari, the learned Advocate for the Applicant, Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents and Shri Chaudhari, the learned Advocate for Respondents No.2 and 3. 2. Parties agree that Original Applications involving the same question is already pending at Principal Seat at Mumbai and is expected to come up for hearing on 18.11.2016. 3. Registrar is directed to call for the original record and proceedings of O.A.No.443 of 2014 from Nagpur Bench and keep ready for persual on due date. 4. In view of the foregoing adjourned to 18.11.2016 and the M.A.No.371/2016 be listed before me as First on Board on 18.11.2016. Sd/- **(A.H. Joshi, J)** **Chairman** prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
CONTEMPT APPLICATION NO.73 OF 2016
IN
ORIGINAL APPLICATION NO.633 OF 2015

Shri D.G. Pore & 21 Ors. ..Applicants

Versus

The State of Maharashtra & Ors. ..Respondents

Shri A.V. Bandiwadekar – Advocate for the Applicants

Miss Savita Suryawanshi – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 24th October, 2016

O R D E R

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

2. Shri Bandiwadekar, Ld. Advocate states as follows:

(a) That statement of Ld. PO was recorded by this Tribunal on 12.9.2016 to the effect that writ petition would be filed challenging the order dated 27.4.2016 passed in group of OAs.

(b) The OA No.633 of 2015 was filed by the applicant.

(c) The State Government has filed only one writ petition challenging the order passed in OA No.467 of 2015.

(d) Said only Writ Petition filed by the State was heard by the Division Bench of Hon'ble Shri N.H. Patil and Shri P.D. Naik, JJ. on two dates.

(e) On both occasions of hearing Hon'ble High Court had pointed out to learned Assistant Government Pleader that single writ petition challenging common judgment only in one case was not proper because the judgment was delivered in group of OAs and other employees who were applicants before Tribunal were not before High Court in the array of respondents.

(f) Hon'ble High Court has not granted an interim order / stay of this Tribunal's order passed in applicant's OA, though learned AGP had brought to the notice of Hon'ble High Court that contempt petition was filed by applicant in present contempt case.

(g) During the pendency of this CA, considering the fact that writ petition is not filed by the State, the applicant has served fresh notice through his advocate on three contemnors being respondents no.1, 2 & 4, viz. Shri Sitaram J. Kunte, Principal Secretary, Higher and Technical Education Department, Shri Devanand Meshram, Director of Vocational Education and Training and Shri Deepak Kapoor, Principal Secretary, Skill Development and Entrepreneurship Department on 29.6.2016 and these notices are served on the contemnors.

(h) Shri Kunte, contemnor no.1 has replied to the notice and has informed the applicant's advocate that he – Shri Kunte is not concerned in the case because the applicant's claim pertains to authority of Principal Secretary, Skill Development and Entrepreneurship Department (present contemnor no.4).

(i) Though contempt notice is served on contemnors no.2 and 4, the contemnor No.4 Shri Deepak Kapoor, Principal Secretary, did not pay any heed to first contempt notice served before filing contempt case as well as second contempt notice which was issued after filing of present application.

(j) The office of Director of Technical Education i.e. respondent no.2 has informed the applicant's advocate by writing a letter that writ petition is filed in the Hon'ble High Court and copy of Writ Petition St. No.25780 of 2016 is annexed to letter.

(k) In fact copy of writ petition was not actually enclosed and letter was contained in an envelope of 3" X 8" dimensions.

(l) The applicant has checked and found that the Writ Petition St. No.25780 of 2016 is filed, however, it does not contain challenge to OA No.633 of 2015.

(m) The notice sent by applicant to the Respondent No.5, the Chief Secretary too has not been replied by the Respondent No.5. Being head of the machinery of Government and as a civil servant at the apex it is / was the duty of respondent no.5 to direct the respondent no.4 to act quickly and without loss of time.

(n) Respondent No.5 has lot of important work, however, the importance of enforcing of obeying or challenging the order of Tribunal, punctually and at the earliest opportunity cannot be undermined and disregarded.

(o) Employees similarly situated and who had got interim order in OAs filed at Nagpur Bench of this Tribunal are actually continued in service while applicants who did not get interim relief remained unemployed and without salary, though new advertisements too are issued and courses are continued in 3 shifts.

(p) State Government has taken policy decision to obey orders subject to challenge, as is evident from Annexure 'D' which is Government decision dated 2.4.2014 copy whereof is at page 64, yet applicant is not reinstated, which act is/was imminent in the peculiar facts of the case.

(q) The conduct of respondents in failing to file writ petition inspite of express observations by the Hon'ble High Court, is unjust, unfair and this failure to obey order aggravates the contempt of this Tribunal and cognizance of contempt be taken at once against the respondents no.2, 4 and 5.

3. Shri Bandiwadekar, therefore, prays that cognizance of contempt may be taken against all contemnors.

4. Ld. PO was called to address/reply to the submissions of learned Advocate for the Applicant.

5. Ld. PO states that she has received instructions as follows:

(a) One Writ Petition is filed by the State challenging the order passed in OA No.467 of 2015.

(b) It is a fact that Hon'ble High Court has expressed that separate writ petitions in relation to order passed in entire group of OAs may have to be filed.

(c) It is a fact that interim stay is not granted by Hon'ble High Court, staying the order passed in present OA.

(d) Steps are taken for filing separate writ petitions which may be filed soon, however, any specific date when writ petition could be filed cannot be stated.

(e) The record shows that the respondent no.3 was not arrayed as party respondent in the OA which was filed by the applicant.

(f) Therefore, a question would arise, as to how an officer who is not a party to OA could as well be arrayed as contemnor and, therefore, cognizance of alleged contempt by the Chief Secretary cannot be taken.

6. On the point referred to in clause (e) and (f) of para 5, foregoing, the learned Advocate for the applicant was called to address.

7. Shri Bandiwadekar, Ld. Advocate for the applicant has made submissions as follows:

(a) Whenever any grievance is made against the department of the Government as per existing practice, the head of department / concerned officer whose order is challenged and/or Secretary of the department is arrayed as a respondent.

(b) Ordinarily unless the decision impugned is accountable to the personal failure of the Chief Secretary, the Chief Secretary is not a necessary party in OA.

(c) However, whenever an order is passed against the State Government which is represented through any department and if the order is not complied with and the State is to be dealt with for disobedience, notice to Chief Secretary would become imperative by necessary implication.

(d) Moreover, the Chief Secretary being the head of bureaucracy and the machinery of the Government if a breach by any of the subordinate is brought to his notice, in all fairness and as head of Governmental machinery and bureaucracy in welfare of the State, the Chief Secretary ought to be directly and vicariously liable for failure of his subordinate.

(e) Therefore, whenever due to failure in obedience on the part of any subordinate officer is brought to the notice of Chief Secretary, for maintaining the prestige of law, of courts and Tribunals, the Chief Secretary ought to consider the aspect and fact of failure to obey the order, as a personal hurt to him and ought to look into the matter with every possible gravity.

(f) The Chief Secretary ought to look into the case with empathy towards sufferer.

(g) Whenever an intimation is given by an applicant who has succeeded in an OA to the Chief Secretary, the Chief Secretary, as a head of the Government machinery/bureaucracy comes into picture. By virtue of his position at the helm of affairs the Chief Secretary is under moral and legal obligation to ensure enforcement or implementation of the order passed by the Tribunal unless it is decided to challenge the order and it is challenged and order of stay is received.

(h) A litigant would be left to be governed by whims of officers and remediless if the Chief Secretary is not to be involved in the matter of disobedience of order of Court or Tribunal, and is absolved from any responsibility as to implementation of the order passed by the Tribunal.

(i) If orders of the Court or Tribunal are not obeyed and parties are directed to knock the doors of Courts or Tribunals, this situation would definitely amount to recourse of judicial remedy by aggrieved person, however, what about molestation of Rule of Law?

(j) Therefore, whenever contempt has occurred and a notice is given to the Chief Secretary personally and that the Chief Secretary fails to respond to such notice it would turn out to be a fit case for taking action even against the Chief Secretary, because the Chief Secretary does not and cannot have an excuse from the blame of willfully disobeying the order passed

by the Tribunal. Chief Secretary cannot take a defence of alibi or any other plea alike a litigious private party.

(k) The litigants cannot believe of existence of rule of law and rule of justice if the topmost officer in the bureaucracy does not heed to the orders of Courts or Tribunals.

(l) The respect of the Court or Tribunal has to emanate from highest office. Highest office of the bureaucracy is that of Chief Secretary. If the subordinate officers feel that Chief Secretary does not pay heed to the Tribunal's order and does not pay attention to intimation through which contempt of the Tribunal's order is brought to his notice, the seeds of anarchy are being sown by the top bureaucrat himself.

(m) In present case, failure of respondent no.5 to pay heed to notice of action of contempt amounts to adding insult to the injury.

(n) It is in these premises that the applicant is keen and is insisting upon taking cognizance of contempt even against the Chief Secretary.

(o) Though there exists a policy to carry out the orders of the Courts / Tribunals subject to challenge which is adopted by the Government clarified in circular dated 2.4.2014. Government is neglecting to implement the order. This aspect ought to have been attended to by the Respondent No.5 with all seriousness.

(p) Moreover, on facts the Government has proceeded with fresh recruitment and also placed on record in OA No.467 of 2015 which this Tribunal has recorded in interim order passed in OA No.467 of 2015 that Government has plans to go ahead with the courses conducted in ITI in 3 shifts. There is no reason why applicant should be kept out of job.

8. I have given patient and curious consideration to the submissions of the learned Advocate for the applicant.

9. Prima facie the attitude of the contemnor Nos.2, 4 and 5 exhibits deliberate and willful neglect either to challenge the order passed by this Tribunal or to obey/implement it.

10. It is beyond comprehension as to how:-

(a) When a common judgment is delivered in 23 cases, how only one case could be chosen for filing writ petition.

(b) Despite that the deficiency of solitary writ petition being filed been brought to the notice of the State by the Hon'ble High Court how the State could neglect either to challenge the order or obey it.

11. In these premises it is a fit case to take immediate cognizance in so far as respondents no.2 and 4 are concerned.

12. In so far as Respondents no.1 and 3 are concerned, even during pendency it is not shown that these respondents are concerned as contemnors.

13. In so far as respondent no.5 is concerned he is Chief Secretary of the State.

14. This Tribunal believes that Chief Secretary could agree to the British concept that "So long the Crown rules, the country mens' rights and liberties are uneffected", needs to have its logical extension to the Republican form of Government of India where the head of the Governmental Machinery or head of the bureaucracy of Government ought to have an eagle's eye on the respect and enforcement of rights of citizen, and entire Governmental machinery should be all times conscious towards a fact that someone at the top may have a gaze over his / their acts and omissions.

15. Therefore, this Tribunal is anxious and keen to know as to what is the point of view of the Chief Secretary as to whose doors should be

knocked by litigant within the bureaucratic hierarchy of the Government, when any of the Secretary other officers of the Government do neglect to their duty to obey orders of the Tribunal.

16. The Ld. PO was called to state as to what are her submissions in regard to action against the respondent no.5. Ld. PO states that the points argued by the Ld. Advocate and observed by this Tribunal in foregoing paras are sensible, however, Ld. PO would prefer to take instructions.

17. Ld. PO's request for grant of time can be considered, however, it is considered more appropriate to call for certain information from the Chief Secretary directly for avoiding delay and for securing due attention, instead of directing the Ld. PO to contact the Chief Secretary and secure instructions.

18. The points on which calling the information from Chief Secretary is considered necessary, are as follows:

(a) Did he receive the notice towards action for contempt issued by the applicant copies of which are on record of contempt application at page 57 and 58.

(b) Who is the person / officer, in his office who attends to such notices?

(c) Was the said notice brought to the notice of Chief Secretary?

(d) What is / was his response to said notice?

(e) Was any response called from department concerned?

(f) Was any reply received from the department concerned?

(g) What was the response of the Chief Secretary in the matter?

(h) Was applicant appraised of any action on the part of Chief Secretary?

(i) Could the disobedience of orders be endured or be connived by the Chief Secretary.

(j) Can the Chief Secretary appoint / nominate a nodal officer who will attend to the disobedience of orders by various departments and officer concerned shall be appraised of the position that apart from liability under law of contempt failure to obey orders could be viewed adverse to the officer's prospects in career including the failure as a matter of indiscipline under conduct rules?

(k) While it is a fact that Chief Secretary of the State may not necessarily be a party in every OA, can it be said that the Chief Secretary is wholly unconnected and unrelated.

(l) Whether grievance can be made to the Chief Secretary about any nonfeasance or misfeasance and failure to comply with orders etc. by senior officers of the Government?

(m) What shall be the forum within the executive hierarchy and whose doors can be knocked by a litigant who is a victim of disobedience of the orders of the Courts or Tribunal or about any unjust act on the part of any of the wings of the executive?

(n) Is it that every time whenever a wrong is committed by any Secretary or any officer of the Government should the litigant be forced to approach the Court or Tribunal as if that Chief Secretary's control over lawful governance does not exist?

(o) If the failure to implement an order by any of the Secretary is brought to the notice of the Chief Secretary as head of the Governmental machinery or as the head of bureaucratic wing of the Government, should the Chief Secretary act as guardian of law or can claim that he is not concerned in the matter complained of.

19. Therefore, this Tribunal considers it is necessary that the Chief Secretary may be called to file his own affidavit on points noted / listed in foregoing paragraph.

20. The affidavit be filed by Chief Secretary on or before 2.12.2016.

21. Though Chief Secretary's affidavit is sought, no latitude or lenience is seen warranted in so far as the respondent nos. 2 & 4 are concerned.

22. Therefore, following order is passed.

(a) (i) Cognizance of contempt is taken against respondent no.2 & 4 viz. Shri Devanand Meshram, Director of Vocational Education and Training and Shri Deepak Kapoor, Principal Secretary, Skill Development and Entrepreneurship Department.

(ii) Registry is directed to issue bailable warrant to Commissioner of Police, Mumbai notifying to the contemnors no.2 & 4 to appear before this Tribunal on 2nd December, 2016.

(iii) As a condition for bailable warrant the Respondent No.2 and 4 shall furnish personal bond in a sum of Rs.25,000/- with cash security to be deposited by cheque from personal account to be drawn from personal bank account in the name of the Registrar of this Tribunal and shall furnish surety bond in a sum of Rs.100/- by at least one officer in the co-rank or higher rank.

(b) Respondent No.2 and 4 are directed to show cause as to why they should not be tried for committing contempt of order passed by this Tribunal in OA No.633 of 2015.

(c) Registry shall issue notice to the respondents no.2 and 4 in accordance with rules.

(d) Respondent Nos.2 and 4 shall be free to suo motu appear and furnish bond, security and surety as ordered to avoid service of warrant.

(e) Commissioner of Police, Mumbai is directed to monitor and ensure service of warrant.

(f) The Chief Secretary is directed to file affidavit on points referred to in para no.18, within five weeks.

23. At this stage the Ld. PO states and prays that:

(a) PO may be given time to communicate this order to the respondents for enabling them to comply with the directions even without issue and service of process, if the contemnors can and choose to do so.

(b) PO would bring to the notice of respondent No.2 and 4, the circular dated 2.4.2014 at page 64 of the contempt application and find out as to whether the respondent nos.2 and 4 would elect to follow course of action prescribed therein.

24. In view of the prayer of Ld. PO, issue of bailable warrant to respondents no.2 & 4 is kept in abeyance till 15.11.2016. In case compliance / implementation of order passed by Tribunal in OA No.633 of 2015 is done, an affidavit stating compliance be filed and upon filing of such affidavit, issue of warrant shall not be done. If compliance is not done, bailable warrant be issued.

25. S.O. to 10.11.2016 for report by learned PO / Contemnor Nos.2 and 4 as to actions as may have been taken by next date.

26. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents No.2 to 4 and Respondent No.5.

Sd/-
(A.H. Joshi, J.)
Chairman
24.10.2016

Dictation taken by: S.G. Jawalkar.

(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 : 24.10.2016.

M.A.No.316 of 2016 in O.A.No.968 of 2016
(C.A.No.440/ 2016 in O.A.No.662/2012 at Nagpur)

Dr. N.V. Godbole & Ors. ...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri N.R. Saboo with Shri A. Mardikar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. We have fixed the O.A. for Final Hearing on 02.01.2017 as First on Board. Therefore, today no orders are passed on this M.A..

3. This M.A. be listed on board on 06.03.2017.

Sd/- Sd/-

(Rajiv Agarwal) Vice-Chairman **(A.H. Joshi J.) Chairman**

prk

DATE : 24/10/17
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. : N.R. Saboo with Shri A. Mardikar
Advocate for the Applicant
Shri /Smt. : K.S. Gaikwad
C.P.O / P.O. for the Respondent/s

Adj. To MA be listed on board on 6/3/17.

[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 : 24.10.2016.

C.A.No.39 of 2016 in O.A.No.421 of 2003

S.N. Bawane & Ors. **...Applicants**

Vs.

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

1. Heard Shri S.P. Palshikar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Placed before the Bench presided over by me (Chairman) sitting singly.

3. S.O. to 25.11.2016.

Sd/- Sd/-

(Rajiv Agarwal)
Vice-Chairman

(A.H. Joshi J.)
Chairman

prk

DATE : 24/10/16

CORAM :

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :

Shri/Smt. : S.P. Palshikar

Advocate for the Applicant

Shri /Smt. : N.G. Gohad

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

Adj. To 25/11/16.

[P.T.O.

2

(Spl.- MAT-F-2 E.

(G.C.P.) J 2260 (A) (50,000—2-2015)

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 : 24/10/16

CORAM :

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

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

APPEARANCE :

Shri/Smt. J. N. Kamble

Advocate for the Applicant

Shri/Smt. M. K. Rajpurohit

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

Adj. To 15/11/16.

Date : 24.10.2016

O.A. No.477 of 2013 (DB)

R.R. Rathod .... Applicant

Versus

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

1. Heard Shri J.N. Kamble, the learned Advocate for the applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the respondents.

2. This is High Court time bound matter. The learned C.P.O. seeks further adjournment to file affidavit-in-reply. No more indulgence can be shown. The OA proceeds without affidavit-in-reply making it clear, however, that on the next date reply is tendered when it is called out for hearing, it will be taken on record but no adjournment shall be given for that purpose.

3. OA stands adjourned and appointed for hearing on 15.11.2016.

Sd/-

24.10.16

(R.B. Malik)
Member(J)

VSM

Date : 21.10.2016

[P.T.O.

O.A. No. 739 of 2016 (D.B.)

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

Date : 24.10.2016

O.A. No.1024 of 2016 (DB)

P.P. Sakpal .... Applicant

Versus

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

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the applicant and Smt Archana B.K., the learned P.O. for the respondents.

2. Issue notice returnable on 8.10.2016.

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

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

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

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

7. S.O. to 8.11.2016. Learned P.O. do waive service.

Sd/-

24.10.16

(R.B. Malik)
Member(J)

DATE : 24/10/16
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. : Archana B.K.
C.P.O / P.O. for the Respondents
Adj. To 8/11/16.

VSM

(Spl.- MAT-F-2 E.

(G.C.P.) J 2260 (A) (50,000—2-2015)

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 : 24.10.2016

O.A. No.158 of 2016

A.K. Patil .....Applicant

Versus

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

1. Heard Shri V.V. Mohite, the learned Advocate for the Applicant, Smt Kranti Gaikwad, the learned Presenting Officer for the respondent nos.1,2 & 3 and Shri C.T. Chandratre, the learned Advocate for the Respondent no.4.

2. The respondents are filed Affidavit-in-Reply to the amended O.A.. The same are taken on record.

3. The learned Advocate Shri V.V. Patil submits that no further rejoinder is required to be filed.

4. Admit, adjourned for final hearing on 21.11.2016.

Sd/-

(R.B. Malik)
Member(J)

24-10-16

DATE : 24/10/16
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~
Hon'ble Shri R. B. MALIK (Member) ✓
APPEARANCE :
Shri/~~Smt.~~ : V.V. Mohite
Advocate for the Applicant
Shri/Smt. : K.S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents
Reply Filed by A.No. 170394
~~Adj. To~~.....
O.A. is Admit.
S.O. to 21/11/16.

VSM

[P.T.O.

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
DATE : 24/10/16. CORAM : ~~Hon'ble Shri. RAJIV AGARWAL (Vice Chairman)~~ Hon'ble Shri R. B. MALIK (Member) APPEARANCE : ~~Shri/Smt.~~ Punam Mahajan Advocate for the Applicant ~~Shri/Smt.~~ : S. Suryawanshi C.P.O / P.O. for the Respondents Adj. To 22/11/16.	**Date : 24.10.2016** **O.A. No.253 of 2016 (D.B.)** **B. D. Koli .....Applicant** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. Heard Smt Punam Mahajan, the learned Advocate for the Applicant and Smt S. Suryawanshi, the learned Presenting Officer for the respondents. 2. I have perused the record and proceedings including my order dated 22.3.2016. Now, the issues that survive are only pertaining to deemed date which should worked out the O.A. completely. 3. Sufficient opportunity has already been given. The Respondents may decide as to whether they want to file regular affidavit or make a statement on the basis of record. 4. I keep the option of finally deciding the O.A. open on the next date. With this, the O.A. is finally adjourned to 22.11.2016. Sd/- **(R.B. Malik)** **Member(J)**

VSM

[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 : 24/10/16 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.~~ N.K. Rajpurohit C.P.O./~~P.O.~~ for the Respondents Rejoinder filed by Applicant. Adj. To : O.A. c/s Admit S.O. to 22/11/16.	**Date : 24.10.2016** **O.A. No.280 of 2016** **M.M. Desale .... Applicant** **Versus** **The State of Maharashtra & Ors. ....Respondents** 1. Heard Shri G.A. Bandiwadekar, the learned Advocate for the applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the respondents. 2. Rejoinder is taken on record. 3. Admit, adjourned for hearing on 22.11.2016. Sd/- **(R.B. Malik)** **Member(J)** VSM

Date : 21.10.2016

O.A. No. 739 of 2016 (D.B.) [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 C.A. No.130 of 2015 in O.A. No.308 of 2012
DATE: 25/10/16 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.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 26/10/16.	Shri S.S. Padave ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S Gaikwad, learned Presenting Officer for the Respondents. 2. At the request of Ld. PO adjourned to 26.10.2016. Sd/- (A.H. Joshi) Chairman 25.10.2016 (sgj)

(G.C.P.) J 2260 (A) (50,000—2-2015)

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 C.A. No.78 of 2015 in O.A. No.779 of 2013
DATE: 25/10/16 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Rameshkumar (Member) A~~ APPEARANCE: Shri/Smt.: B.A. Agarwal Advocate for the Applicant Shri /Smt.: K.B. Bhise C.P.O./P.O. for the Respondent/s Adj. To 26/10/16. 1	Shri G.R. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents. 2. Ld. PO states that he is unable to state when the writ petition would come for hearing. 3. S.O. to 26.10.2016. Sd/- (A.H. Joshi, J) Chairman 25.10.2016 (sgj)

[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 C.A. No.60 of 2015 in O.A. No.1013 of 2014
DATE: 25/10/16 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramesh kumar (Member) A~~ APPEARANCE: Shri/Smt. ~~N.D. Lokhande~~ None for the appl. Advocate for the Applicant Shri /Smt. : K.B. Bhise C.P.O / P.O. for the Respondent/s Adj. To 26/10/16	Smt. M.V. Deshmukh ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri K.B. Bhise, learned Presenting Officer for the Respondents. None for the Applicant. 2. Ld. PO prays for two weeks time for reporting further progress for getting certification from the Pay Verification Unit. 3. The matter cannot be allowed to linger. Let the report be made on the day to day basis. 4. S.O. to 26.10.2016. Sd/- (A.H. Joshi, J) Chairman 25.10.2016 (sgj)

[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: 25/10/16 CORAM: Hon'ble Shri A. H. Joshi (Chairman) Hon'ble ~~Shrikumar (Member) A~~ APPE Shri/Smt. V.V. Joshi Advocate for Applicant Shri/Smt. K.B. Bhise C.P.O. for the Respondent/s Adj. To 26/10/16.	**Date : 25.10.2016.** **M.A.No.584 of 2015 in O.A.No.1036 of 2015 with M.A.No.626 of 2015 in O.A.No.1115 of 2015 with O.A.No.25 of 2016 with O.A.No.26 of 2016 with O.A.No.27 of 2016** --- **S.K. Baravkar (M.A.584/2015 in O.A.1036/2015)** **S.M. Khaire & Ors. (M.A.626/2015 in O.A.1115/2015)** **L.D. Randhir & Ors. (O.A.25/2016)** **P.K. Jadhav (O.A.26/2016)** **R.S. Paigude & Ors. (O.A.27/2016) .... Applicants.** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. Heard Shri V.V. Joshi, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 2. Learned P.O. Shri K.B. Bhise for the Respondents wants time to trace the papers and address tomorrow. 3. In view of the foregoing, adjourned to 26.10.2016. Sd/- **(A.H. Joshi, J)** **Chairman** prk

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 25/10/16 CORAM : Hon'ble ... A. H. Joshi (Chairman) Hon'ble ... Rajeshkumar (Member) A APPEARANCE : Shri/Smt. : P. G. Kayande Advocate for the Applicant Shri/Smt. : K.S. Gaikwad C.P.O / P.O. for the Respondent/s Adj. To 26/10/16. YE	**Date : 25.10.2016.** **O.A.No.541 of 2015 with M.A.No.111 of 2016** **Y.C. Korande .... Applicant.** **Versus** **The State of Maharashtra & Ors. ....Respondents.** 1. Heard Shri P.G. Kayande, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. At the request of learned P.O. Smt. K.S. Gaikwad for the Respondents, adjourned to 26.10.2016. Sd/- **(A.H. Joshi, J.)** **Chairman** prk

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders C.A. No.131 of 2015 in O.A. No.907 of 2012
DATE : 25/10/16 CORAM : Hon'ble Shri A. H. Joshi (Chairman) Hon'ble ~~Rameshkumar (Member) A~~ APP Shri B.A. Bandiwadekar Advocate for Applicant Shri K.B. Bhise C.P.O. for the Respondent/s Adj. To 26/10/16.	Shri P.A. Vanjeri ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents. 2. Ld. PO, on instructions from Shri Milind R. Kulkarni, Under Secretary, Urban Development Department, states that that steps are being taken and day to day progress will be reported. 3. S.O. to 26.10.2016. (A.H. Joshi, J) Chairman 25.10.2016 (sgj)

[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

24.10.2016

M.A 424/2016 in O.A No 911/2016

Shri Y.A Kale ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri C.T Chandratre, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

Though notice has not been issued in this Misc Application, it can be disposed of at this stage.

In the Original Application, the Applicant has challenged appointment of the present Respondent no. 2 on the post of Police Patil at village Deolane, Tal-Yeola, Dist-Nasik.

Though the aforesaid person was selected for the post of Police Patil, appointment order was not issued, which has since been issued on 19.9.2016. Amendment in the Original Application is sought to bring this fact on record.

M.A to amend the O.A as per Exh. A-2 of the M.A is allowed. Shri Chandratre states that he will amend the O.A within two weeks and serve the amended copy on the Respondents two weeks thereafter.

O.A to be placed on Board on 6.12.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

Date-24/10/16
CORUM
Hon'ble Shri. Rajiv Agarwal
(V.C)
Shri. C.T. Chandratre
Advocate for the applicant
Shri. N.K. Rajpurohit
C.P.O.) for the Respondents
Adj to- M.A. is allowed.
O.A. is to be placed on Board
on. 6.12.2016

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
24/10/16 Coram - Hon. Shri Rajiv Agarwal (VC) Adv. A.V. Bandiwadekar for the appl. Ms. N.G. Gohad, P.O. for the Rpts. Admit. S.O. to 7/11/16. F.H. Akn	**24.10.2016** **O.A No 819/2016** Shri B.M Nile ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri A.V Bandiwadekar, learned advocate for the applicant & Ms Neelima Gohad, learned Presenting Officer for the Respondents. Learned P.O files affidavit in reply. Learned Advocate Shri Bandiwadekar states that he does not wish to file rejoinder. O.A is admitted. Place for final hearing on 7.11.2016. Sd/- (Rajiv Agarwal) Vice-Chairman

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015).

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

24.10.2016

O.A No 881/2016

Shri L.Y Bhagale ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri N.P Dalvi, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

By order dated 14.10.2016, last chance was given to the Respondents to file affidavit in reply. The Applicant is retiring shortly and this dragging of feet by the Respondents will make this O.A infructuous.

It appears that this dragging of feet is intentional. Cost of Rs. 5000/- is imposed on the Respondents, which should be deposited in the Registry of this Tribunal before the next date.

Matter is kept for final hearing on 7.11.2016, first on Board. Affidavit, if filed before the next date will be taken on record or it will be heard without affidavit in reply.

S.O to 7.11.2016. Hamdast.

Sd/-

(Rajiv Agarwal) [P.T.O.

24/10/16
Coram - Hon. Shri Rajiv Agarwal (V/C)
Adv. N.P. Dalvi for the appl.
Ms. Archana B.K. ld. P.O. for the Rspts
S.O. to 7/11/16 for final hearing First on Board.

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

24.10.2016

O.A No 866/2016

Dr R.M Haridas ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the applicant, Ms Savita Suryavanshi, learned Presenting Officer for the Respondent nos 1 & 2 and Shri A.V Bandiwadekar, learned advocate for Respondent no. 3.

Affidavit in reply has already been filed. Learned Advocate Lonkar states that he does not wish to file rejoinder. O.A is admitted.

Place for final hearing on 10.11.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

24/10/16
Coram - Hon. Shri Rajiv Agarwal (V/C)
Adv. M.D. Lonkar for the appl.
Ms. Savita Suryawanshi, P.O. for the Resp
Admit.
S.O. to 10/11/16 for F.H.

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

24.10.2016

O.A No 16/2015

Shri A.V Kulkarni ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Mrs Punam Mahajan, learned advocate for the applicant and Smt K.S. Gaikwad, learned Presenting Officer for the Respondents.

This application for speaking to the minutes have been filed to correct the tile page of the order of this Tribunal dated 13.10.2016. The O.A had the following four Respondents.

1. State of Maharashtra,
   Through Chief Secretary,
   Mantralaya, Mumbai-32.
2. Principal Secretary (ADF),
   Department of Agriculture,
   Animal Husbandry, Dairy Development and Fisheries Department, Mantralaya,
   Mumbai 400 032.
3. Additional Chief Secretary,
   Finance Department, Mantralaya,
   Mumbai 400 032.
4. The Commissioner,
   Animal Husbandry, Maharashtra State,
   Opp. Spicer College, Aundh,
   Pune 411 007.

However, by oversight different names are recorded in the final order of this Tribunal. Learned Advocate Smt Mahajan is seeking that the Respondents mentioned in the O.A may be shown in the order of this Tribunal.

In para 3, fifth line, the words "grade pay" should be replaced by "pay band". In para 5 on page 5, third line, Rs. 500/- should be replaced by Rs. 5000/-.

If Certified copy has been given with the clerical mistakes, the same may be withdrawn and fresh certified copy be given after correction free of cost.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

24/10/16
Coram—Hon. Shri Rajiv Agarwal (V/C)

Adv. Mrs. Punam Mahajan for the appl.
Smt. K.S. Gaikwad, P.O. for Resps

This OA was listed on board for speaking to minutes.
However, by oversight different names are recorded in the final order of this Tribunal.
By this order the order is corrected.

(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- 24/10/2016 CORUM Honble Shri. Rajiv Agarwal (V.C) Shri. K.R. Jagdale, Advocate for the applicants. Smt. Kranti S. Gaikwad. (P.O) for the Respondents. S.O. to. 21.11.2016	**24.10.2016** **O.A No 595/2016** Shri S.A Chavan & Ors ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri K.R Jagdale, learned advocate for the applicants & Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents. Learned Advocate Shri Jagdale files affidavit in rejoinder. O.A is admitted. Respondents are at liberty to file sur-rejoinder, if need be. Place for final hearing on 21.11.2016. Sd/- (Rajiv Agarwal) Vice-Chairman Akn

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
Date 24/10/16 CORUM Hon'ble Shri. Rajiv Agarwal (V.C) Shri. C.T. Chandratre Advocate for the applicant. Ms. Neelima Gohad (P.O.) for the Respondents. S.O. to 21/11/16	**24.10.2016** **O.A No 912/2016** Shri K.R Dabade ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri C.T Chandratre, learned advocate for the applicant & Ms Neelima Gohad, learned Presenting Officer for the Respondent no. 1. Shri B.U Deshmukh, learned advocate files Vakalatnama on behalf of Respondent no. 2. Notice has already been issued. Affidavit in reply should be filed within three weeks. S.O to 21.11.2016. Sd/- (Rajiv Agarwal) Vice-Chairman Akn

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

24.10.2016

O.A Nos 847, 848 & 869/2016

Shri S.B Morye & Ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicants and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2 Issue notice before admission made returnable on 28.11.2016.

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

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

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

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

7. S.O 28.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

Date - 24/10/16

CORUM

Hon'ble shri. Rajiv Agarwal
(Vice-Chairman)
shri. K.R. Jagdale,
Advocate for the applicants
Shri. N.K. Rajpurohit
(C.P.O.) for the Respondents.

Adj to 28/11/2016

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

24.10.2016

O.A No 581/2016

Shri P.S Bodake ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri A.V Bandiwadekar, learned advocate for the applicant & Shri K.B Bhise, learned Presenting Officer for the Respondents.

Affidavit in reply as directed by this Tribunal dated 1.9.2016 is filed by learned P.O. As advance copy of affidavit in reply was already given to the Applicant, affidavit in rejoinder has also been filed by the applicant.

O.A is admitted. ~~Place for final hearing on 7/10/2016~~

Notice has already been issued. Affidavit in reply should be filed within three weeks.

S.O to 21.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

Date - 24/10/16
CORUM
Hon'ble Shri. Rajiv Agarwal
(V.C)
Shri. A.V. Bandiwadekar
Advocate for the applicants
Shri. K.B. Bhise (P.O.)
for the Respondents.
S.O. to 21/11/2016

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

24.10.2016

O.A No 991/2016

Shri S.I. Patel @ Patil ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri M.A Parab, learned advocate for the applicants and Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

2 Issue notice before admission made returnable on 28.11.2016.

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

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

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

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

7. S.O 28.11.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

Date - 24/10/16
CORUM Rajiv Agarwal
Shri. ~~M.A. Parab~~ (Vice-Chairman)
Shri. M.A. Parab,
Advocate for the applicants.
Smt. K.S. Gaikwad (P.O.)
for the Respondents.
Adj to 28/11/2016

[P.T.O.

(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
Date - 24/10/2016 CORUM Hon'ble Shri. Rajiv Agarwal (V.C) None for the Applicant. And. Shri. M.D.Lonkar (Adv) Spl. Counsel for the Respondent. S.O. to 15/11/2016. (R)	**24.10.2016** **O.A No 984/2016** Dr R. D R aokhande ... Applicant Vs. The State of Maharashtra & Ors... Respondents None for the Applicant. Heard Shri M.D Lonkar, Special Counsel for the Respondent. Learned Advocate Shri Lonkar files affidavit in reply on behalf of the Respondent. O.A is admitted. Applicant may file affidavit in rejoinder, if need be. S.O to 15.11.2016. Interim relief to continue. Sd/- (Rajiv Agarwal) Vice-Chairman Akn

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
Date - 24/10/2016 CORUM Hon'ble Shri. Rajiv Agarwal (V.C) Shri. M.D. Lonkar, Advocate for the applicants. Smt. K.S. Gaikwad (P.O.) for the Respondents. S.O. to. 8.11.2016	**24.10.2016** **O.A No 944/2016** Shri S.N Deshmukh ... Applicant Vs. The State of Maharashtra & Ors... Respondents Heard Shri M.D Lonkar, learned advocate for the applicant, Smt K.S Gaikwad, learned Presenting Officer for the Respondents no 1 & 2 and Shri A.V Bandiwadekar, learned advocate for Respondent no. 3. Learned P.O has already stated that Government does not want to file any affidavit in this matter. They are relying on the record they have already produced. Learned Advocate Shri Bandiwadekar seeks time to file affidavit in reply. Copy of the same may be given to Shri Lonkar, learned advocate for the Applicant, at least one day in advance. O.A is admitted. Place for final hearing on 8.11.2016. Sd/- (Rajiv Agarwal) Vice-Chairman Akn

[P.T.O.

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

Date : 24.10.2016.

O.A.No.1056 of 2015

A.A. Jagdale **...Applicant**

Vs.

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

1. Heard Shri B.A. Bandiwadekar, 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 that she has received communication from Respondent No.1, that the Respondent No.1 is considering the case of the Applicant for grant of deemed date.

3. Learned P.O. was called to state as to whether the Shri Avinash Subedar, Controller of Rationing and Director, Civil Supplies, who was directed by order dated 05.10.2016 to file affidavit, is ready.

4. Learned P.O. states that affidavit is not ready and she needs time to find out as to why the affidavit is not filed.

5. This Tribunal has to take serious note of failure of Shri Avinash Subedar, Controller of Rationing and Director, Civil Supplies to file affidavit in terms of direction given by this Tribunal.

6. Therefore, Shri Avinash Subedar, Controller of Rationing and Director, Civil Supplies is directed to remain present tomorrow for answering questions as regards applicant's entitlement qua the points involved and also as regards failure to file affidavit.

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

8. S.O. to 25.10.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE : 24/10/16
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. : S. Suryawanshi
C.P.O / P.O. for the Respondent/s

Adj. To 25/10/16.
Steno copy & Hamdast is allowed to Ld. P.O.

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

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

Shri P.A.Vanjeri ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Miss Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. Ld. PO has tried to argue that some steps are taken. In fact if the applicant's case was declined in the process of DPC on the ground that applicant was under suspension during the crucial period, the matter had to go back to the stage where applicant's case was stopped and the respondent is expected to show that the case was accordingly pushed back to that stage and that the decision making has been resumed.

3. Shri Milind R. Kulkarni, Under Secretary, Urban Development Department states that he may be granted time till tomorrow for enabling him to inspect the record and state as to what steps are taken after decision of Tribunal and after receipt of notice for action for contempt.

4. S.O. to 25.10.2016.

Sd/-
(A.H. Joshi, J.)
Chairman
24.10.2016

(sgj)

DATE: 24/10/16
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.: S Suryawanshi
C.P.O / P.O. for the Respondents
Adj. To 25/10/16

(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
DATE : 24/10/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramakrishnan (Member) A~~ APPEARANCE : Shri/Smt. : Y. A. Bandiwadekar Advocate for the Applicant ~~Shri~~/Smt. : S. Suryawanshi C.P.O / P.O. for the Respondent/s Adj. To 26/10/16. prk	**Date : 24.10.2016.** **O.A.No.218 of 2015** **C.G. Gaikwad ...Applicant** **Vs.** **The State of Maharashtra & Ors. ...Respondents** 1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents. 2. At the request of learned Advocate Shri B.A. Bandiwadekar for the Applicant, adjourned to 26.10.2016 (A.H. Joshi, J) Chairman prk

(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 : 24.10.2016.

O.A.No.433 of 2016

P.G.Pingle **...Applicant**

Vs.

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

1. Heard Ms. S.P. Manchekar, 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 prays for time for filing reply to O.A. as well as amended O.A..

3. Adjourned to 30.11.2016.

Sd/-

(A.H. Joshi, J)
Chairman

prk

DATE : 24/10/16

CORAM :

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

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

APPEARANCE :

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

Advocate for the Applicant

Shri/Smt : S. Suryawanshi

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

Adj. To 30/11/16.

[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 C.A. No.55 of 2016 in O.A. No.930 of 2014
DATE : 24/10/16 CORAM : Hon'ble Shri A. H. Joshi (Chairman) Hon'ble Smt. Rameshkumar (Member) A ~~Rajiv Agarwal (VC)~~ APPEARANCE : Shri B.A. Bandiwadekar Advocate for the Applicant Shri S. Suryawanshi C.P.O. / P.O. for the Respondent/s Adj. To 22/11/16.	Smt. S.A. Joshi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Miss Savita Suryawanshi, learned Presenting Officer for the Respondents. 2. Ld. PO has tendered affidavit of Smt. Medha A. Gadgil, Additional Chief Secretary, Medical Education and Drugs Department. It is taken on record. 3. Shri Bandiwadekar, Ld. Advocate prays for time to read it. 4. S.O. to 22.11.2016. Sd/- (A.H. Joshi, J.) Chairman 24.10.2016 (sgj)