(G.C.P.) J 2260 (A) (50,000—2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders **O.A.243/2016**
26/7/16 Coram- Hon'ble Shri R.B. Malik (M-J) Shri B.A. Bandiwadekar Adv for the applicant. Shri K.B. Bhise holding for Miss N.G. Gohad P.O. for the Respondents. Heard. order passed in Tribunal Column. SO to 11/8/16.	**Shri S.V. Shelar ... Applicant** **Vs.** **The State of Mah. & ors. ... Respondents** Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri K.B. Bhise holding for Ms. N.G. Gohad, the learned Presenting Officer for the Respondents. Affidavit-in-rejoinder is taken on file. Admit. If the Affidavit-in-Sur-rejoinder is to be filed, it must be filed on the next date and not thereafter. S.O. to 11th August, 2016. Sd/- (R.B. Malik) Member (J) 26.07.2016 (skw)

(G.C.P.) J 2260 (A) (50,000—2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
26/7/16 Coram- Hon'ble Shri R.B. Malik (M(J)) Shri C.T. Chandratre Adv for the Applicant - Miss. N.G. Gohad PO for the Respondents - Heard, Adjo to 23/8/16.	**O.A.739/2016** **Shri Shaikh R.S. Munir ... Applicant** **Vs.** **The State of Mah. & ors. ... Respondents** Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents. The learned P.O. is being instructed by Shri S. Mokalikar, Desk Officer, Revenue & Forest Department. Heard. The matter as of today is adjourned to 23rd August, 2016. Sd/- (R.B. Malik) Member (J) 26.07.2016 (skw)

(G.C.P.) J 2260 (A) (50,000—2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondents

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
26/7/16 Coram- Hon'ble Shri R.B. Malik (M.J.) Applicant with Shri B.D. Bandiwadekar Adv for the Applicant. Miss. N.G. Gohad holding for Shri A.B. Kololgi P.O. for the respondents. Heard, order passed in Tribunal Column. C.A. is accordingly disposed of with no order as to costs.	**C.A.18/2016 in O.A.877/2011** **Shri G.K. Mayekar ... Applicant** **Vs.** **The State of Mah. & ors. ... Respondents** The Applicant with Shri B.D. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad holding for Shri A.B. Kololgi, the learned Presenting Officer for the Respondents. The Applicant makes a statement that the order has been complied with and the C.A. may be disposed of. The CA is accordingly disposed of with no order as to costs. Sd/- (R.B. Malik) Member (J) 26.07.2016 (skw)

(C.C.P.) 2260(B) (50,000—2-2015) (Spl.- MAT-F-2

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

26.07.2016

O.A No 354/2016

Shri T.A Jankar & Ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri C.T Chandratre, learned advocate for the applicants and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

This Tribunal has directed Respondents no 3 & 4 to file reply. No affidavit in reply is forthcoming. However, Learned P.O ~~states~~ on instructions from Shri S.V. Patil, Section Officer, Revenue & Forest Department, on behalf of Respondent no. 1, states that Government has tentatively reached some conclusion regarding policy to be followed in this regard and Government Resolution is submitted to the G.A.D for concurrence and it is likely to be issued shortly.

The matter is therefore adjourned by two weeks. In the meanwhile Respondents no 3 & 4 should filed their affidavit in reply as directed by this Tribunal in Para 3 of the order dated 11.7.2016.

S.O to 9.8.2016.

DATE : 26/7/16
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 9/8/16.

(Rajiv Agarwal)
Vice-Chairman

Akn

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

26.07.2016

O.A No 157/2016

Shri P.N. Patil ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri A.J Patil, instructed by Shri P.S Bhavake, learned advocate for the applicant, Ms Archana B.K, learned Presenting Officer for the Respondents no 1 to 3 and Shri Paras Yadav, learned advocate for Respondent no. 4.

It is seen that Respondent no. 3, i.e S.D.O, Karveer, Kolhapur was asked to file personal affidavit on the points mentioned at para 8(a) to (e) in the order dated 20.4.2016. It is, however, seen that information submitted by Respondent no. 3 is not accurate. With reference to Para 8(d) of the order of this Tribunal, in para 5 of the affidavit in reply filed by him on 14.6.2016, he has mentioned that he was present in the Tribunal on 11.3.2016. From the proceedings of this Tribunal it is seen that matter was heard by Justice S.P Davare on 11.3.2016 and he has noted that none was present for the Applicant and Shri A.J Chougule represented the Respondents and there is no mention that S.D.O was present.

As regards point 8(c) also this Tribunal wanted information about action taken by Respondent no. 3 when he came to know about this proceeding. He has replied that he has written two letters to C.P.O, M.A.T, seeking adjournment. This is not the type of action which was expected. It was expected that Respondent no. 3 will enlighten this Tribunal about the efforts made by him to file affidavit in reply meeting the points raised in the O.A.

It appears that this Tribunal was informed that Shri Rahul Shinde was S.D.O, Karveer, Kolhapur. However, Shri Rahul Shinde is in fact Clerk working in the office and S.D.O's name is Shri P.S. Patil.

Now that matter has already been delayed for quite sometime, last chance is given to Respondents no 1 to 3 and Respondent no. 4 to file affidavits in reply.

S.O to 9.8.2016.

DATE: 26/7/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. A.S. Patil holding for P.S. Bhavake
Advocate for the Applicant

~~Shri/Smt.~~ : Archana B.K.
~~C.P.O~~/P.O. for the Respondents No. 1 to 3.
Paras Yadav for R.No.4.

~~Adj. to~~ S.O. to 9/8/16.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

MISC APPLICATION NO 32 OF 2016
IN
ORIGINAL APPLICATION NO 58 OF 2016

DISTRICT : PALGHAR

Smt Pramila Prakash Thakur,)
(since before marriage –Kum Pramila)
P. Mhatre. Occ – Nil,)
Retd as Clerk-Typist from the office)
of the Secretary, Maharashtra)
State Vocational Education)
Examination Board, having office)
At Government Polytechnic Bldg,)
2nd floor, A.J Marg, Kherwadi,)
Bandra [E], Mumbai-51.)
R/o: A/P Darpale-Pali,)
Tal-Vasai. Dist-Palghar.)...**Applicant**

Versus

1. The Secretary,)
Maharashtra State Vocational)

Education Examination Board)
Having office at Government)
Polytechnic Building, 2nd floor)
A.J Marg, Kherwadi, Bandra [E]))
Mujmbai 400 051.)

2. The Director of Education,)
Skill Development and)
Entrepreneurship, [M.S],)
Having office at 3, Mahapalika)
Marg, P.B No. 10036,)
Mumbai 400 001.)

3. The State of Maharashtra,)
Through Principal Secretary,)
Skill Development and)
Entrepreneurship, having)
Office at Mantralaya,)
Mumbai 400 032.)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Ms Archana B.K learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 26.07.2016

ORDER

Heard Shri A.V Bandiwadekar. learned advocate for the Applicant and Ms Archana B.K learned Presenting Officer for the Respondents.

2. This Misc Application has been filed by the Applicant seeking condonation of delay of 11 months in filing the Original Application no 58/2016.

3. Learned Counsel for the Applicant argued that the Applicant has applied to the Respondent no. 1 to extend the benefit of judgment dated 10.4.2013 in O.A no 1034/2012 to her as she was a similarly situated person as the Applicants in that O.A. The issue involved is regarding counting of ad hoc service before regularization for the purpose of Time Bound Promotion. Judgment of this Tribunal dated 10.4.2013 in O.A no 1034/2012 was delivered in the Original Application filed by colleagues of the Applicant in the offices working under the control of Director. Vocational Education & Training, Maharashtra State. Mumbai. There was no reason to deny the same benefit to the Applicant. The Respondents on their own were obliged to extend the same benefit to the Applicant. However. now that the matter regarding counting of ad hoc service for Time Bound Promotion is finally decided by Hon'ble Bombay High Court, ~~and~~ the Applicant ,who retired from service on 30.4.2010, ~~and~~ was not aware of

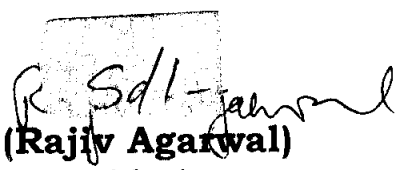
the development in this regard, has approached this Tribunal. When she came to know that her colleagues had got these benefits, she approached the Respondents, who informed her on 25.2.2014 that the decision of the Tribunal was applicable to those who had approached this Tribunal. This stand of the Respondents is not legally correct. The Applicant has approached this Tribunal somewhat late, but considering all the facts, she should not be denied justice for a small delay in approaching this Tribunal.

4. Learned Presenting Officer (P.O) argued that the Applicant retired on 30.4.2010. She never approached the Respondents or this Tribunal, till 1.11.2013, when she approached the Respondents to extend benefit which were extended to her colleagues pursuant to the judgment of this Tribunal in case of Smt Bhate, Parab etc. That request was turned down by letter dated 25.2.2014. The Applicant, by her own admission, did not take any steps till then and waited for months together before filing this O.A no 58/2016. Learned Presenting Officer argued that reasons for delay have not been explained by the Applicant and no case has been made out for condonation of delay.

5. The Applicant has not given any specific details as to why she did not approach this Tribunal within limitation. Her main contention is that issue

involved in the Original Application is not limited to the employees who had earlier approached this Tribunal. The judgments given by this Tribunal had application in 'rem and the stand of the Respondents that they are applicable in personam' is legally untenable. This is an important issue raised by the Applicant. If the earlier judgment of this Tribunal is held to be a judgment in rem. the Applicant cannot be denied benefit of that judgment. To settle that issue, the Original Application is required to be heard on merits and the technical hurdle of delay in filing the Original Application has to be removed.

5. In the interest of justice, delay of 11 months in filing the Original Application is condoned and Misc Application is allowed with no order as to costs.



(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 26.07.2016
Dictation taken by : A.K. Nair.

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