M.A.301/2016 in O.A.1055/2016

Shri A.D. Jadhav

... Applicant

Vs.

The State of Mah. & Ors.

... Respondents

Heard Shri M.D. Lonkar, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Shri Bhise, the learned P.O. seeks further adjournment for reply. The MA is now kept for aguments making it clear that just before the commencement of arguments, if the Affidavit-in-reply is tendered, it will be taken on record but no adjournment will be given for the same.

S.O. to 9th September, 2016.

(R.B. Malik) Member (J)

26.08.2016

S// ~ (Rajiv Agarwal) Vice-Chairman 26.08.2016

O.A.852/2016

Shri A.R. Devale Vs.

... Applicant

The State of Mah. & Ors.

... Respondents

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

We have perused the original file submitted to us by the learned P.O. who is being instructed by Shri H.J. Jadhav, A.S.O. We have confirmed that the contents of Page 33 (Annexure 'A-6') marked as 'A' are exactly like the original. The learned P.O. may also submit on record a Xerox copy thereof. The learned P.O. seeks time to file Affidavit-in-reply. The earlier interim order to continue till further orders and the OA stands adjourned for reply to $20^{\rm th}$ September, 2016. Hamdast.

> 50/1-(R.B. Malik)

Member (J)

26.08.2016

Sd/ -(Rajiv Agarwal) Vice-Chairman

26.08.2016

O.A.1216/20162

Shri S.K. Rajput & Ors.

... Applicants

Vs.

The State of Mah. & Ors.

... Respondents

Applicants and Advocate absent. Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Shri Bhise, the learned P.O. is being instructed by Smt. K.K. Gupte, Head Clerk in the Office of the Commissioner, Food & Dry Administration, MS, Mumbai.

A perusal of the earlier orders made herein would show that the Applicants have not appeared before this Bench over a period of time. Our directions of 28th March, 2016 and 30th March, 2016 need to be perused. There were directions of the Hon'ble High Court as well which form the part of the record. In this view of the matter, therefore, the better course of action would be to issue notice to the Applicants asking them to appear before this Bench on the next date.

S.O. to 23rd September, 2016.

SA1-

(R.B. Malik) Member (J)

26.08.2016

Sd1-

(Rajiv Agarwal) Vice-Chairman 26.08.2016

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 2	20 Dis	TRICT
		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 o	rders
	O.A.764/20	016
	Shri S.U. Sant & Ors. Vs.	Applicants
	The State of Mah. & Or	s Respondents
	Heard Shri G.A. Bandiwadekar, the learned Advocate for the Applicants and Smt. A.B. Kololgi the learned Presenting Officer for the Respondents. Mentioned by Shri G.A. Bandiwadekar. Shr Gaurav Bandiwadekar places on record a communication from Applicant No.16 - Mrs. Rupal S. Bhusa. It is taken on record and in view thereof the said Applicant No.16 is allowed to withdraw from this OA and the OA in so far as she is concerned in	
DATE: 26/8/16	disposed of with no order a	s to costs. Hymali 17-
STORANT STATISTICATIVAGARWAL	~ C4/	Sd/ C
(libe - Chairman) Alice - Chairman)	Sd/- (R.B. Malik) Member (J) 26.08.2016	Sd/- (Rajiv Agarwal) Vice-Chairman 26.08.2016
Archana B.K.	(skw)	
Additional Rejolader Rived by Applicant to 30/8/16. Handast Found		

(G.C.P.) J 2260 (A) (50,000—2-2015) IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of	f 20 District
	Applicant/s
(Advocate)
and the second of the second o	versus
The State of	of Maharashtra and others
	Respondent/s
(Briggerting Office)	
(Presenting Officer	**************************************
Office Notes, Office Memoranda of Coram,	
Appearance Tribuna's orders or	Tribunal's orders
directions and Registrar's orders	O.A.482/2016
	0.00.102/2010
	Shri K.G. More Applicant
	Vs.
	The State of Mah. & ors Respondents
	Applicant in person present. Mrs. S.
	Suryawanshi, the learned Presenting Officer for the Respondents.
	respondents.
	Affidavits-in-reply of Respondents 2 to 4 have not
	been filed. Proceed without the Affidavit-in-reply of Respondents 2 to 4. The Applicant presents an
	Respondents 2 to 4. The Applicant presents an application seeking directions to furnish to the a Marathi
	translation of the Affidavit-in-reply. Copies furnished to
	the learned P.O. The learned P.O. to file the reply hereto
	on 9th September, 2016.
	Sd/- (R.B. Malik) 26.8/1
en e	Sd/-
	26.811
	(R.B. Wallk)
	Member (J)
o clabbi.	26.08.2016 (skw)
DATE: LC/S/11	
<u>"ORAM:</u>	
Han bio Justice Shri A. H. Joshi (Chairman)	
Hon'ble Shri M. Rameshkumar (Member) A	
APFRARANCE:	
Shri/Srat. Appli in lesson	
Adverse for the Applicant Shri-Smt. S. Sury awary	
Shri/Sint.: S. Sury av av y) C.P.O / P.O. for the Respondent/s	
and the state of t	•
Add To Stelling	
Adj. To	
8E	

Tribunal's orders

O.A.550/2016

Shri S.K. Patil Vs.

... Applicant

The State of Mah. & ors.

... Respondents

Heard Shri M.R. Patil, the learned Advocate for the Applicant and Smt. K.S. Gaikwad holding for Shri NK. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Affidavit-in-rejoinder taken on record. Admit. To come up in due course. 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/-

c ..8.16

(R.B. Malik) Member (J) 26.08.2016

CORAM:

Hen'bic Justice Shri A. H. Jochi (Chairman)

Hon ble Shri. M. Ranieshkumar (Member) A

APPEARANCE:

Stri/But : N.R. Patil

Advocate for the Applicant
Shri /Smt.: K.S., GSIKW.A.
C.P.O / P.O. for the Respondent/s

Adı To. Admit.

JE.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of	DISTRICT
	Applicant/s
(Advocate)
	versus
	061848
The State of	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.813/2016
	Shri U.B. Sankpal Applicant Vs.
	The State of Mah. & ors Respondents
	Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad holding for Shri NK. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
	Smt. Gaikwad seeks an adjournment for filing Affidavit-in-reply. The request is stoutly opposed by Smt. Mahajan, the learned Advocate for the Applicant.
	I have perused the record and proceedings. I make it clear that Affidavit-in-reply must be filed on the next date and depending upon whether the Affidavit-in-reply is filed or not and the contents thereof, if it is filed, the issue of interim relief or even the final decision of the OA will be decided.
	S.O. to 9th September, 2016.
	I. Lie
DATE: 26/8/1	
CORAM: Inable Justice Shri A. H. Joshi (Chairman) Honble Shri M. Ramasilkumar (Member) A. APPEARANCE:	Sd/- (R.B. Malik) 26.816 Member (J) 26.08.2016
Punam Mchajan	(skw)
Advocate for the Applicant	
Shri/Smt.: K.G. A. Vuk. d C.P.O / P.O. for the Respondent/s	
Adj. To919116.	
ry e	

Tribunal's orders

O.A.858/2016

Shri R.C. kadam

... Applicant

Ϋs.

The State of Mah. & ors.

... Respondents

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

Issue notice returnable on 20.09.2016.

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

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

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

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

S.O. to 20.09.2016. Learned P.O. do waive service. Liberty reserved for the Applicant to apply for interim relief.

Sd/-

(R.B. Malik) Member (J) 26.08.2016

(skw)

26/8/16 DATE:

Hon'hle Shri

Shei/Sant. :...

Advocate for the Applicant

Shri /Smt . K.S. G C.F.O / P.O. for the Respondent/s

Tribunal's orders

O.A.882/2016

Shri V.R. Dhumse.

... Applicant

Vs.

The State of Mah. & ors.

... Respondents

Heard Shri B.V. Salunkhe, the learned Advocate for the Applicant and Mrs. S. Suryawanshi, the learned Presenting Officer for the Respondents.

Issue notice returnable on 16.09.2016.

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 16.09.2016. Learned P.O. do waive service. Liberty reserved for the Applicant to apply for interim relief.

DATE: 26/8/16

CORAM:

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

APPEARANCE -

St. /Set: B.V. salunthe

Advocate for the Applicant

Shri /Smt.: c - Surya U(r-sh) C.P.O / P.O. for the Respondent/s

rdunchle on 16/9/16.

Sd/-

Th

(R.B. Malik) Member (J) 26.08.2016

(skw)

1/2

Tribunal's orders

O.A.294/2016

Shri Shaikh H.S.Hyder ... Applicant Vs.
The State of Mah. & ors. ... Respondents

Heard Shri A.S. Golegaonkar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Affidavit-in-reply of Respondent No.3 is not filed. Proceed without the same. Mr. Golegaonkar, the learned Advocate for the Applicant informs that the Applicant does not want to file Affidavit-in-rejoinder to the reply of Respondents 1 & 2. Admit. To come up in due course. 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) Member (J) 26.08.2016

(skw)

DATE: 26|8|16|
CORAM:
Hen'de Justice Shri A. H. J. Jushi (Chairmen)
Hon'de Shri M. Pameshikimal (Member) A. J.
APPEARANCE:
Shri/Smt. A. S. Golcanon Va.
Advocate for the Applicant
Shri/Smt. L. G. G.

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

Her.

Tribunal's orders

O.A.861/2016

Shri D.T. Karche

... Applicant

Vs.

The State of Mah. & ors.

... Respondents

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Issue notice returnable on 20.09.2016.

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.

 $S, O.\ to\ 20.09.2016.$ Learned P.O. do waive service. Liberty reserved for the Applicant to apply for interim relief.

DATE: 26 8 6

CORAM:

Han'ble Instice Siri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshamar (Member) A

APPEARANCE:

Striffort: P. Mchaky

Advocate for the Applicant

Shri/Smt: 1.F. Sch ad C.P.O / P.O. for the Respondent/s

on 20/9/16.

好

Sd/-

(R.B. Malik) Member (J) 26.08.2016

Tribunal's orders

24.08.2016

M.A 328/2016 in O.A No 1049/2014

Sujata w/o Babasaheb Kamble ... Applicant Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri J.S Deshmukh, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

This Misc Application has been filed to restore O.A no 1049/2014, which was dismissed in default by order dated 15.7.2016 as neither the Applicant nor the learned advocate for the Applicant attended this Tribunal on many occasions. Learned Advocate Shri Deshmukh stated that the then Advocate for the Applicant due to some personal reasons remained absent when the matter was kept for hearing. The Applicant has a strong case on merits and only on technical grounds she should not be deprived of the opportunity to get justice.

Learned P.O objected to restoration of the Original Application on the ground that the learned Advocate for the Applicant has stated that he was absent on account of his interview for Ph.D in Kolhapur, but he has not explained why he was absent on other occasions. As such, no case has been made out to restore the Original Application.

I have carefully considered the contentions of both the parties. However, considering the fact that the Applicant is a widow lady and seeking compassionate appointment, about which she feels that she has strong ground, only on technical ground that her Advocate remained absent, she should not be deprived for justice.

Misc Application seeking restoration of O.A is allowed. Original Application be kept for final hearing on 28.9.2016.

Sd/-

(Rajiv Agabwal) Vice-Chairman

DATE: 24/8/6

CORAM:
Hon'ble Shri. RAHV AGARWAL
(Vice-Chairman)
Hon'ble Shri. B. MALIK (Member)

APPEARANGE:
Shri/Shnt.: J. S. Deshuulch
Advocate for the Applicant
Shri/Snt.: Assochana B.K.
C.POTP.O. for the Respondents

D.A. is Allowed by D.A. is eastored and lept four Rinal hearing on 28/9/16.

Tribunal's orders

Date: 26.08.2016.

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. Learned P.O. Smt. K.S. Gaikwag for the Respondents prays for time.
- 3. The Additional Chief Secretary Agriculture is directed to file an affidavit on the next date on the following point:-

Whether it is possible to consider the applicant's case for posting him at Nashik as and when in immediate future the vacancy arises at Nashik, in the peculiar background that Applicant was transferred to Nashik, by accepting his request for Transfer and posting at Nashik.

- 4. Affidavit be filed on 20.09.2016.
- 5. Steno copy and Hamdast is allowed to learned P.O. Learned P.O. is directed to communicate this order to the Respondents.
- 6. S.O. to 20.09.2016.

- (A H Joshi I)

(A.H. Joshi, J.)

prk

DATE: 26/8/16

CORAW:

Hen'by Lage Chi A. H. Joshi (Chairman).

Honellie St. 144, Januer humar (Member) A

P. G. Kayarde

Chorro W.S. Gaixwad

0 1 111

Tribunal's orders

Date: 26.08.2016.

C.A.No.47 of 2016 in O.A.No.883 of 2016

M.G. Shaikh

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Applicant in person and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
- 2. Learned P.O. Smt. Archana B.K. for the Respondents on instructions from Snri B.V. Virnak. Assistant Director, Vocational Education and Training, M.S. states as follows:-

Applicant's bill for payment of gratuity is submitted to office of Treasury and by making persuasion by individual visit of Shri B.V. Virnak, Assistant Director and as far as possible, the payment or gratuity would be effected and compliance would be reported next date.

- 3. Steno copy and Hamdast is allowed to learned P.O. Learned P.O. is directed to communicate this order to the Respondents.
- 4. S.O. to 19.09.2016.

(A.H. Joshi, J.)

Chairman

prk

DATE: 26/8/16

CORAM:

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

APPEARANCE:

Shri/Smi : Apple in Pason Project

Adverate for the Applicant

Shir/Smi.: B.K. ArMana C.P.O./P.O. for the Respondent/s

10/11/16.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

Original Application No.	of 20 District
	Appncant/s
Advocate	
Advocate	
	versus
The S	ate of Maharashtra and others
	nespondent/s
(Presenting Officer)
Office Notes, Office Memoranda of Cora Appearance, Tribunal's orders or directions and Registrar's orders	m, Tribunal's orders
	Date : 26.08.2016.
	O.A.No.796 of 2016
	Dr. S.G. Badhe Applicant.
	Versus
	The State of Maharashtra & OrsRespondents.
	1. Heard Smt. S. Suryawanshi, the learned Presenting
	Officer for the Respondents.
	2. Learned Advocate Shri S.S. Dere and Applicant is
	absent.
	3. Adjourned to 03.10.2016.
DATE: 26/8/16 COCAM: Hon'ble Justice Phri A. H. Joshi (Chairman)	(A.H. Joshi, J)
Hen'ble Shri M. Rameshkumar (Member) A APPEARANCE:	Chairman prk
Shrifton: Clane for the all	
Advocate for the Applicant	
She Orice S. 20 Yawanshi C.P.O / P.O. for the Respondent/s	
Adj. To. 3/10/15.	

CORAM:

Adj. To. 201116

Hon'ble Justice Shri ... U. Lyski (Chairman)

Tribunal's orders

Date: 26.08.2016.

O.A.No.844 of 2016

R.V. Deshpande

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

- 1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
- 2. Learned P.O. Ms. N.G. Gohad for the Respondents on instructions from Shri Anil Ughe, Section Officer (Respondent No.1) and Shri Arjun Gore, Deputy Director, Secriculture Directorate (Respondent No.2) states as follows:-

Three months time may be required in order to enable the Department to taken decision on the question of grant of interest.

- 3. Learned P.O. Ms. N.G. Gohad was asked to take instructions as to who is the sanctioning authority.
- 4. Learned P.O. on instructions replied that the office of Respondent No.1 , Hon'ble Minister is the sanctioning authority.
- 5. Respondent No.1 is directed to file his/her own affidavit, within ten days on the following point:-
 - (a) Exact time required for deciding the entitlement of the Applicant to received interest.
 - (b) Time required for calculation.
 - (c) Time required for sanction thereto.
 - (d) Time required for submission to the office of Accountant General.
- 6. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.
- 7. S.O. to 20.09.2016.

(A.H. Joshi, J.)
Chairman

th

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI ORIGINAL APPLICATION NO.880 OF 2016

DISTRICT: Mumpai

M.M. Surve

.... Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents

Ms. S.P. Manchekar, the learned Advocate for the Applicant.

Smt. Archana B.K., the learned Presenting Officer for the Respondents

CORAM:

Justice Shri A.H. Joshi, Chairman

DATE

26.08.2016

ORDER

- 1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
- 2. Issue notice returnable on 26.09.2016.
- 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 Manarasntra 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. Learned P.O. Smt. Archana B.K. is directed to take instructions and based thereon to make a statement on the following point:-
 - (a) As to whether the Applicant's representation for retention in Pune District till the end of academic year 2016-2017, is under consideration.
 - (b) If it is under consideration within how much time decision would be taken.
 - (c) Could applicant be retained at his present posting till such decision is taken.
- 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 26.09.2016.

(A.H. Joshi, J.)

Chairman

nrk