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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 26/9/17

CORAM :

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

Hon'ble Shri R. B. MALIK ~~(Member)~~ (Vice-chairman)

APPEARANCE :

~~Shri/Smt.~~ Ms. Kirti Petkar holding for Ms. S. Kasar

Advocate for the Applicant

~~Shri/Smt.~~ Ms. S. Suryawanshi

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

~~Adj. To~~ S.O. to 6/11/17.

O.A.510/2017

Mr. R.R. Bawkar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Ms. Kirti Petkar holding for Ms. S. Kasar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned PO for the Respondents.

Issue notice returnable on 6th November, 2017.

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

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

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

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

In case notice is not collected within one week or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

S.O. to 6th November, 2017.

Sd/-

(R.B. Malik)
Vice-Chairman
26.09.2017

(skw)

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 26/9/17

CORAM :

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

~~Hon'ble Shri R. B. MALIK (Member)~~ Vice-Chairman

APPEARANCE :

~~Shri/Smt.~~ Ms. Kirti Petkar holding for Ms. S. Kasar
Advocate for the Applicant

~~Shri/Smt.~~ Ms. S. Suryawanshi
~~C.P.O./P.O.~~ for the Respondents

~~Adj. to~~ M.A. is allowed.

M.A.240/2017 in O.A.510/2017

Mr. R.R. Bawkar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

This is an application for condonation of delay. I have perused the record and proceedings and heard Ms. Kirti Petkar holding for Ms. S. Kasar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned PO for the Respondents.

The matter initially was filed in the year 2012 before the Bombay High Court by way of **Writ Petition No.2918/2012 (Ramesh R. Bavkar Vs. MIDC and others)**. On 28th January, 2017, the said Writ Petition was dismissed as withdrawn with liberty to adopt appropriate proceedings. It is in this background that the delay of 80 days has been caused. I am so disposed as to hold that despite strong objection of the learned PO and her insistent plea for time to file reply, the delay needs to be condoned in the interest of justice. It is accordingly condoned.

The Applicant and the Office of this Tribunal are hereby directed to process the matter so as to be placed before the appropriate bench for disposal according to law. The MA is allowed in these terms with no order as to costs.

Sd/-

26/9/17

(R.B. Malik)
Vice-Chairman
26.09.2017

(skw)

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 26/9/17

CORAM :

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

~~Hon'ble Shri R. B. MALIK (Member)~~ (Vice-chairman)

APPEARANCE :

~~Shri~~ C.T. Chandratre

Advocate for the Applicant

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

~~C.P.O.~~ P.O. for the Respondents :

O.A. is admitted.

Adj. To 5/10/17

expedited.

FH

O.A.784/2017.

Mr. S.D. Surve ... Applicant

Vs.

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

Heard Mr. C.T. Chandratre, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned PO for the Respondents.

The learned PO prays for adjournment to file Affidavit-in-sur-rejoinder. The OA is admitted making it clear that if the Rejoinder is filed on the next date itself, it will be taken on record but no adjournment will be given for the same. Regard being had to the facts involved herein, the hearing of the OA is expedited and appointed for hearing on 5th October, 2017.

S.O. to 5th October, 2017.

Sd/-

(R.B. Malik) 26.9.17
Vice-Chairman
26.09.2017

(skw)

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 26/9/17

CORAM:

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

Hon'ble Shri R. B. MALIK ~~(Member)~~ (Vice-chairman)

APPEARANCE:

Shri/Smt. A.J. chougule P.O.
~~Advocate~~ for the Applicant

Shri/Smt. G.A. Bandiwadekar Adv.
~~C.P.O./P.O.~~ for the Respondents

~~Adj. To~~ M.A. c/s allowed.

M.A.413/2017 in O.A.274/2017

The State of Mah. & ors. ... Applicants (Ori. Respondents)

Vs.

Mr. R.R. Bawkar ... Respondent (Ori. Applicant)

Heard Mr. A.J. Chougule, the learned PO for the Applicants (Ori. Respondents) and Mr. G.A. Bandiwadekar, the learned Advocate for the Respondent (Ori. Applicant).

Mr. Bandiwadekar does not seriously oppose the application, and therefore, as and by way of last chance, time to comply with is extended by six weeks. The MA is allowed in these terms with no order as to costs.

Sd/-

(R.B. Malik)
Vice-Chairman
26.09.2017

(skw)

3

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 26/9/17 CORAM : ~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~ Hon'ble Shri R. B. MALIK ~~(Member)~~ <Vice-chairman> APPEARANCE : Shri/Smt. G.A. Bandiwadekar Advocate for the Applicant Shri/Smt. Ms. S. Suryawanshi C.P.O./P.O. for the Respondents O.A. is admitted. Adj. to Reply filed by R.No.1 in O.A. 751/17. S.O. to 10/10/17 Rejoinder filed by Applicant in OA 750/17. FH Dcq	**O.A.750 & 751/2017.** **Mr. R.O. Sabale & Anr. ... Applicants** **Vs.** **The State of Mah. & ors. ... Respondents** Heard Mr. G.A. Bandiwadekar, the learned Advocate for the Applicants and Ms. S. Suryawanshi, the learned PO for the Respondents. The Affidavit-in-reply is filed in OA 751/2017. Mr. Bandiwadekar submits that during the course of the day, the Rejoinder shall be filed. Relying on this statement at the Bar, the OA is admitted and appointed for final hearing to 10th October, 2017. Sd/- (R.B. Malik) 26.9.17 Vice-Chairman 26.09.2017 (skw)

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 26/9/17

CORAM :

~~Hon'ble Shri. P.N. JIV AGARWAL (Vice-Chairman)~~

Hon'ble Shri R.B. MALIK (Member) (Vice-chairman)

APPEARANCE :

~~Shri/Smt.~~ Chetan Agarwal

Advocate for the Applicant

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

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

Affidavit of service filed by Applicant.

~~Reply to~~

Adj. to 11/10/17.

Hamdast.

O.A.847/2017

Dr. P.S. Khanderao ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Mr. C. Agrawal, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned PO for the Respondents.

The learned PO is being instructed by Mr. H.J. Jadhav, Assistant Section Officer, Agriculture Department.

The learned PO informs that the case of the Applicant is under active consideration for finalization whereof she prays for two weeks' time. With the assistance of both the sides, I have perused the record and proceedings. The GR dated 27th November, 1997 which provides for posting of one's spouse in such a manner that there is no separation of spouses. The exact words need to be perused from the said instrument. Mr. Agrawal points out that the Applicant had made the request on this very ground in fact prior to the issuance of the impugned transfer order whereby he has been transferred from a certain place at Nashik to Dhule while his wife remains posted at Nashik. I was clearly so minded all to grant mandatory relief at interlocutory stage which by all means just like any other judicial forum, this Tribunal is also empowered to do so. However, regard being had to all facts and circumstances, I direct that the Respondents shall consider the case of the Applicant in the light of the observations herein and decide his case within a period of two weeks from today and communicate its outcome to the Applicant within three working days thereafter. In the peculiar set of facts, I direct that the post that lies vacant at Nashik be not filled up till further orders.

Adjourned to 11th October, 2017. Hamdast.

Sd/-

(R.B. Malik)
Vice-Chairman
26.09.2017

(skw)

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 26/9/17

CORAM :

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

Hon'ble Shri R. B. MALIK ~~(Member)~~ (Vice-chairman)

APPEARANCE :

~~Shri/Smt.~~ K.R. Jagdale,

Advocate for the Applicant

Shri ~~Smt.~~ A.J. chougule

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

Adj. To 6/10/17.

Hamdast

O.A.579/2017

Mr. S.D. Pagare ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Mr. K.R. Jagdale, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned PO for the Respondents.

The OA was heard. It is not possible to decide it by 28/9/2017. It is made Depart Heard and adjourned to 6th October, 2017 subject to directions of the successor Bench, it be shown as Part Heard.

It is, however, recorded that according to the Applicant, this OA can be decided on the narrow point of violation of the provisions of Section 4(4)(ii) and 4(4) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Transfer Act).

Adjourned to 6th October, 2017. Hamdast.

Sd/-

(R.B. Malik) 26.9.17
Vice-Chairman
26.09.2017

(skw)

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

~~O.A. No.819 of 2017~~

Smt. V.P.V. Valsan ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO has tendered reply. It is taken on record.

3. Admit.

4. Rejoinder, if any, be filed within one week.

5. Both parties agree that final hearing may be taken by Single Judge.

6. Hence, fixed for final hearing on 10.10.2017.

Sd/-

(A.H. Joshi, J)
Chairman
26.9.2017

(sgj)

DATE: 26/9/17.

CORAM:

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

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

APPEARANCE:

Shri/Smt. : B. B Bandiwadekar

Advocate for the Applicant

Shri/Smt. : N. K. Rajpurohit.

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

Adj. To: Admit.

Hence fixed for final hearing on 10/10/17.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

Date : 26.09.2017.

O.A.No.676 of 2017

U.S. Takbhate ....Applicant.

Versus

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

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Shri C.T. Chandratre, the learned Advocate for the Applicant states that appeal is furnished before Hon'ble Minister of State of Home.

3. Shri K.B. Bhise, the learned Presenting Officer for the Respondents is directed to obtain date on which decision would be secured from Hon'ble Minister.

4. S.O. to 12.10.2017.

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

Sd/-

(A.H. Joshi J.)
Chairman

prk

DATE : 26/9/17

CORAM :

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

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

APPEARANCE :

Shri/Smt. : C.T. Chandratre

Advocate for the Applicant

Shri /Smt. : K.B. Bhise

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

Adj. To 12/10/17

order passed in Tribunal column. Steno Copy and Hamdast is allowed to Learned P.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

~~O.A. No.423 of 2017 with M.A. No.208 of 2017~~

Shri V.D. Zambare ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri S.B. Deshpande, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Ld. PO states that instructions are received and time of four weeks may be granted for filing reply.

3. S.O. to 16.11.2017.

Sd/-

(A.H. Joshi, J.)
Chairman
26.9.2017

(sgj)

DATE : 26/9/17

CORAM :

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

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

APPEARANCE :

Shri/Smt. : S.B. Deshpande

Advocate for the Applicant

Shri/Smt. : A.G. Gohad

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

Adj. To 16/11/17 for reply

(G.C.P.) J 2260(B) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

26.09.2017

O.A No 349/2017

Shri K.V Patil ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Shri C.T Chandratre, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.

2. Heard. Admit. Application shall be free to file rejoinder within six weeks.

3. Liberty to apply for early hearing.

Sd/-

(A.H. Joshi, J)
Chairman

Akn

DATE : 26/9/17

CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~

APPEARANCE :
Shri/Smt. : C.T. Chandratre

Advocate for the Applicant
Shri /Smt. : K B Bhise
C.P.O / P.O. for the Respondent/s

Adj. To..... Admit.
Liberty to apply
for early hearing.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

O.A.No.897 of 2017 with M.A.No.414 of 2017

DISTRICT: PUNE

S.B. Mohite ....**Applicant.**

Versus

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

Shri A.V. Bandiwadelar, 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 : 26.09.2017.

O R D E R

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

2. Shri A.V. Bandiwadelar, the learned Advocate for the Applicant prays for leave to substitute Exhibit-I, page 69 of O.A. paper book.

3. Leave for substitution as prayed for is granted.

4. Issue notice before admission in O.A. and M.A. returnable on 14.11.2017.

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

6. 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.

7. 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.

8. 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.

9. In case notice is not collected within one week or service report on affidavit is not filed 3 days before returnable date, Original Application and / or Miscellaneous Application shall stand dismissed without reference and papers be consigned to record.

10. S.O. to 14.11.2017.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

D:\PRK\2017\09 SEP\26.09\O.A.897-17 WIT M.A.414-17.doc

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

CONTEMPT APPLICATION NO 49 OF 2017

IN

ORIGINAL APPLICATION 1138 OF 2010

Shri V.M Nawale)...**Applicant**

Versus

Mr. Summit Mullick & ors)...**Respondents**

Shri K.R Jagdale, learned advocate for the Applicants.

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

CORAM : Shri Justice A.H Joshi (Chairman)

DATE : 26.09.2017

O R D E R

1. Heard Shri K.R Jagdale, learned advocate for the Applicants and Shri K.B Bhise, learned Presenting Officer for the Respondents.

2. This case was listed on yesterday's board. Learned Presenting Officer had tendered copy of letter addressed to the applicant which is dated 21.9.2017, informing him that his representation is decided and the same has been rejected.

3. Learned Advocate for the applicant has argued that:-

(a) The contempt is always a matter between the court/Tribunal and the contemnor.

(b) It is evident that though decision is taken, it is belated.

(c) The date schedule would reveal the deliberate and willful disobedience of the order, which shall be evidenced by the facts namely:-

(i) This Tribunal's order is dated 16.4.2015.

(ii) Applicant has submitted representation on 21.5.2015 and reminders on 31.5.2016, 20.9.2016, 11.11.2016 and 30.12.2016.

(iii) As per the direction contained in the order, the representation was to be decided within 3 months from the date of representation, i.e. within 3 months from 21.5.2015, which is not done despite four reminders.

(iv) Applicant gave personal notice of contempt to various officers including the Respondent No. 2.

(v) Personal notice has not been replied. Even compliance of the order is not done within notice period.

(vi) Present Contempt case came to be filed on 14.9.2017, and now applicant is informed that his representation is decided.

(vii) Apology towards willful disobedience has not come forward from the Respondent No. 2.

4. Yesterday when the case was called out and heard for some time, this Tribunal had expressed that the matter need not be escalated and if the Respondent No. 2 quickly files his hand written apology, the case can come to an end today itself.

5. Thereafter, the hearing was adjourned to afternoon for enabling the learned Presenting Officer to communicate whatever was expressed by this Tribunal to the Contemnor No. 2 and secure instructions and make a statement. The case was kept back till

5.30 pm. Learned Presenting Officer reported that no reply came from the Respondent No. 2 despite that whatever has transpired was communicated to the Deputy Secretary, Shri Sunit Svoitkar, who was present and who was to communicate the developments to the Respondent No.2 and come back with the response. In view of that time of the Tribunal was over, hearing was adjourned and the case was listed on next day's Board.

6. Today in the afternoon when the case was called, Shri Sunil Sovitkar, Deputy Secretary, Home Department, arrived and tendered his affidavit containing his apology. Affidavit is taken on record.

7. Affidavit which is tendered by Shri Sunil Sovitkar, Deputy Secretary, Home Department, is silent on the point namely:-

(a) Reasons for delay in taking decision.

(b) Reasons on account of which the notice intimating that if the order of the Tribunal has not been complied with within 30 days, the applicant shall file a case for contempt has not been replied.

8. Learned Presenting Officer was called to state as to whether apology of Respondent No. 2 has come. On this, learned Presenting Officer answers in negative and prays that apology filed by Shri Sunil Sovitkar, Deputy Secretary, Home Department may be accepted as the Respondent No. 2 has authorized Deputy Secretary, Shri Sunil Sovitkar to file his affidavit.

9. Failure to reply notice sent by applicant to the Respondent No. 2 is his personal failure and said failure is in the

nature of aggravating the contempt which was already committed by the Respondent No. 2.

10. In the aforesaid premises, it prima facie appears that the Contemnor No. 2 is unaware that he has committed contempt or he considers of his prestige and post to be too higher and he is unamenable to powers of Court and Tribunal as regards contempt. Be is as it may.

11. In this situation, this Tribunal is left with no choice than issuing notice of show cause as to why cognizance of act of omission of willful disobedience of order passed by this Tribunal should not be taken against the Contemnor No. 2.

12. Therefore issue notice of show cause as to reason due to which this Tribunal should not take cognizance of Contempt of Court by the respondent no.2 due to disobedience of the order passed by this Tribunal in OA No.1138 of 2010. Notice shall be returnable on 12.10.2017.

13. Steno copy and Hamdast allowed. Learned Presenting Officer is directed to communicate this order to the Respondents.

Sd/-

(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 26.09.2017
Dictation taken by : A.K. Nair.

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

O.A. No.723 of 2017

Shri K.T. Sonone ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri A.R. Joshi, Ld. Advocate for the Applicant and Shri S.B. Talekar, Ld. Special Counsel with Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Ld. Special Counsel Shri S.B. Talekar has tendered affidavit answering show cause notice. Affidavit is taken on record.

3. The affidavit contains various assurances. However, the affidavit is totally silent on the point as to reasons due to which the ACS Home Sudhir Srivastava should not be saddled with costs.

4. Be it as it may, however, considering preventive measures which are now shown to have been taken, the failure of the ACS Home Shri Sudhir Srivastava can be connived at as one time grant of latitude.

5. It has to be noted by officer Shri Sudhir Srivastava, ACS Home that cautioning the subordinate staff with a disciplinary action is a typical bureaucratic measure. What is needed is to enforce and to inspire the staff to be attentive to the cases. It is hoped that it would be done.

6. Accepting the lapse, as a one time lapse, the individual show cause of costs is recalled.

7. Let the OA come up for hearing on 30.10.2017.

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

Sd/-

(A.H. Joshi, J.)
Chairman
26.9.2017

(sgj)

DATE : 26/9/2017
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : A.R. Joshi
Advocate for the Applicant
Shri /Smt. : S.B. Talekar Ld Special Counsel with K.B. Bhise P.O.
~~C.P.O / P.O.~~ for the Respondents
Counsel for Regs.
Adj. To 30/10/2017

(G.C.P.) J 2260(B) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 26/9/2017

CORAM :

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

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

APPEARANCE :

Shri/~~Smt.~~ : A. Boddul

Advocate for the Applicant

~~Shri~~ /Smt. : S. Suryawanshi

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

~~Adj. To~~ M.A. and C.A. are disposed with liberty as prayed.

Date : 26.09.2017.

M.A.No.202 of 2017 in C.A.No.33 of 2017 in O.A.No.245 of 2015
(Subject : Delay)

D.B. Pawar **....Applicant.**

Versus

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

1. Heard Shri A. Boddul, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Shri A. Boddul, the learned Advocate for the Applicant prays for liberty to withdraw M.A.No.202/2017 and C.A.No.33/2017 and serve personal notice on the contemnors and after expiry of 30 days, file the M.A. and C.A. if occasion and cause subsists or occurs.

3. Miscellaneous Application and Contempt Application are disposed with liberty as prayed.

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

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 935 OF 2016

Smt P.J Ukade)...**Applicant**

Versus

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

Shri T.V Jadhav, learned advocate for the Applicants.

Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

CORAM : Shri Justice A.H Joshi (Chairman)

DATE : 26.09.2017

ORDER

1. Heard Shri T.V Jadhav, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer prays for time for filing additional affidavit. Learned Presenting Officer states that the officers in the office of Collector, Thane have found out record which suggests new facts about the appointment of the applicant. Record reveals that applicant was appointed from the category of Census employees and he was appointed from the category of S.T. and he was required to have his caste claim scrutinized.

3. In case the plea of the State which is now put forward is true, the State ought to prove that:-

"But for the applicant's status as a person belonging to a particular Tribe i.e "Mahadeo Koli", applicant could not have been appointed, though he belongs to class of census employees."

4. Affidavit as may be filed by the Collector ought unescapably answer the question framed in the foregoing para, apart from other aspects which the Collector may choose to highlight.

5. Learned P.O prays for two weeks' time for filing affidavit.

6. Time as prayed is granted.

7. S.O to 12.10.2017.

8. Steno copy and Hamdast allowed. Learned Presenting Officer is directed to communicate this order to the Respondents.

sd/-

(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 26.09.2017
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2017\Sept 2017\C.A 49.17 in O. A1138.10, Int. order 26.9.17.doc

15

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

M.A.416/2017 in O.A.681/2017 with M.A.417/2017 in O.A.682/2017 with O.A.683/2017 with M.A.418/2017 in O.A.684/2017 with M.A.419/2017 in O.A.685/2017 with O.A.686/2017 with M.A.420/2017 in O.A.691/2017 with M.A.421/2017 in O.A.692/2017 with M.A.426/2017 in O.A.694/2017 with M.A.422/2017 in O.A.701/2017 with O.A.702/2017 with M.A.423/2017 in O.A.703/2017.

Mr. V.A. Kose & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Mrs. K.S. Gaikwad, the learned PO for the Respondents.

These are the applications for amendment of the OA, all of which can be disposed by this common order.

By way of amendment what is sought to be incorporated into pleadings, documents and the plea related therewith that saw the light of the day when the OAs were heard for interim relief. Although Ms. Suryawanshi, the learned PO sought time to file Affidavit-in-reply, I did not see any reason to protract these matters. I have heard the learned PO opposing the applications. I am of the opinion that these applications survive the test of law of amendments and can be allowed straightway. In so far as the OAs 683/2017, 685/2017 and 702/2017 are concerned, their MAs are not presented because of some difficulty on part of the Applicants' contract with their Advocate Ms. Manchekar. However, regard being had to the nature of the plea sought to be made even their OAs can be allowed to be amended. With this, in this group of OAs, the amendments sought therein are allowed to be effected within a period of one week from today. The consolidated copies of the OAs be filed and same be furnished to the learned PO for her to file Affidavit-in-reply/Additional reply. These MAs are allowed in these terms with no order as to costs.

Sd/-

(R.B. Malik) 26.9.17
Vice-Chairman
26.09.2017

(skw)

DATE : 26/9/17
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK ~~(Member)~~ (Vice-Chairman)
APPEARANCE :
~~Shri/Smt.~~ Ms. S.P. Manchekar
Advocate for the Applicant
~~Shri/Smt.~~ K.S. Gaikwad
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ M.As. are allowed.

(2)

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

Date : 26.09.2017.

O.A.No.390 of 2017

G.B. Tambat ....Applicant.

Versus

The State of Maharashtra & Qrs. .....Respondents.

1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Ms. N.G. Gohad, the learned Presenting Officer for the Respondents has tendered the affidavit of Shri Sudhir Shrivastava, Additional Chief Secretary, Home Department as well as Shri S.P. Gurav, Deputy Superintendent of Police, office of Sub Divisional Police, Kolhapur. Both affidavits are taken on record, giving explanation as to costs.

3. The grounds and reasons explained in the affidavits are accepted. Show case notice is dropped hoping that the lack of advertence shall not recur.

4. Learned P.O. for the Respondents has further tendered one more affidavit of Shri Manoj Kumar Sharma, the then Superintendent of Police, Kolhapur, who had taken action which is impugned in present O.A.; it is also taken on record.

5. Learned P.O. for the Respondents prays for time to decide as to whether additional affidavit on merit is necessary.

6. S.D. to 27.09.2017.

Sd/-

(A.H. Joshi)
Chairman

prk

APPli.

DATE : 26/9/17
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman) (AHJ)
~~Hon'ble Shri M. Ramesikumar (Member) A~~
APPEARANCE :
Shri/Smt. : R.M. Kolge
Advocate for the Applicant
Shri/Smt. : N.G. Gohad
C.P.O / P.O. for the Respondent/s

O.A. To order passed
in Tribunal Glance
Soo 27/9/17

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE : 26/9/2017

CORAM :

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE :

Shri/Smt. : Ms. P. Sonawane Ld. Adv. holding for Shri S.D. Patil Ld. Adv. Advocate for the Applicant

Shri/Smt. : Archana B.K.

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

Adj. To 8/11/2017.

Date : 26.09.2017.

O.A.No.347 of 2017

A.S. Vispute **....Applicant.**

Versus

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

1. Heard Ms. P. Sonawane, the learned Advocate holding for Shri S.D. Patil, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. At the request of Ms. P. Sonawane, the learned Advocate returnable date is extended to 08.11.2017.

3. Hence, issue notice as already ordered.

4. In case notice is not collected within one week or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

5. S.O. to 08.11.2017.

Sd/-

(A.H. Joshi J.)
Chairman

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 26.09.2017.

C.A.No.50 of 2017 in O.A.No.836 of 2014

P.B. Pawar **....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 Presenting Officer for the Respondents.

2. Perused the record.

3. Smt. Archana B.K., the learned Presenting Officer for the Respondents has tendered hand written apology of Respondent No.2. It is taken on record and is accepted.

4. Name of Respondent No.2 be deleted from the array of Respondents.

5. It is seen that Contempt notice served by Applicant is not replied by the Contemnors. This conduct is not just discourtesy, but an act of omission which aggravates the contempt.

6. Hence, issue a notice of show cause to the Respondent No.1, Shri Aseem Gupta, Principal Secretary, Rural Development Department, Mantralaya, against cognizance of Contempt of willful disobedience of the order passed by this Tribunal in O.A.No.836/2014, dated 05.04.2017.

7. Notice shall be returnable on 10.10.2017.

8. Steno copy and Hamdast is allowed.

Sd/-

(A.H. Joshi)
Chairman

prk

DATE : 26/9/2017
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
~~Shri~~/Smt. : Archana B.K.
C.P.O / P.O. for the Respondent/s

~~Adj To~~ Issue a notice of show cause to the Resp.No.1. Returnable on 10/10/2017.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

26.09.2017

O.A No 895/2017

Dr V.T Thakur ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Shri A.A Desai, learned advocate for the applicant and Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Issue notice returnable on 14.11.2017.

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

4. Applicants are 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 one week. Applicants are directed to file affidavit of compliance and notice.

7. In case notice is not collected within one week or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record

8. S.O to 14.11.2017.

Sd/-

(A.H. Joshi, J)
Chairman

Akn

DATE: 26/9/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. A.A Desai

Advocate for the Applicant

Shri/Smt. N.K Rajpurohit

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

Adj. To 14/11/2017

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 26/9/17.

CORAM:

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

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

APPEARANCE:

Shri/Smt. : K R Jagdale

Advocate for the Applicant

Shri/Smt. : Archana B. K.

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

Adj. To 4/10/17.

order passed in Tribunal Column.

Date : 26.09.2017.

C.A.No.1 of 2017 in O.A.No.591 of 2015

B.R. Sangle ....Applicant.

Versus

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

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Smt. Archana B.K., the learned Presenting Officer for the Respondents prays for a week's time for filing reply to Applicant's affidavit at page 121 of paper book.

3. Time as prayed for is granted.

4. S.O. to 04.10.2017.

Sd/-

(A.H. Joshi J.)
Chairman

prk

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

26.09.2017

C.A 51/2017 in O.A No 576/2015

Shri P.P Warunde & Ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

1. Shri N.D Batule, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant prays for liberty to withdraw the Contempt Application with liberty to serve personal notice to the contemnor and after expiry of 30 days notice period, file a Contempt Application, if order remains to be complied with.

3. Hence Contempt Application is disposed of as withdrawn with liberty as prayed.

Sd/-

(A.H. Joshi, J.)
Chairman

Akn

DATE : 26/9/17

CORAM :

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

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

APPEARANCE :

Shri/Smt. : N.D. Batule

Advocate for the Applicant

Shri /Smt. : S. Suryawanshi

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

Adj. To Heard.

order passed in Tribunal Column. CA is disposed of as withdrawn with liberty as prayed.

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

Date : 26.09.2017.

O.A.No.390 of 2017

G.B. Tambat **....Applicant.**

Versus

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

1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Ms. N.G. Gohad, the learned Presenting Officer for the Respondents has tendered the affidavit of Shri Sudhir Shrivastava, Additional Chief Secretary, Home Department as well as Shri S.P. Gurav, Deputy Superintendent of Police, office of Sub Divisional Police, Kolhapur. Both affidavits are taken on record, giving explanation as to costs.

3. The grounds and reasons explained in the affidavits are accepted. Show case notice is dropped hoping that the lack of advertence shall not recur.

4. Learned P.O. for the Respondents has further tendered one more affidavit of Shri Manoj Kumar Sharma, the then Superintendent of Police, Kolhapur, who had taken action which is impugned in present O.A.; it is also taken on record.

5. Learned P.O. for the Respondents prays for time to decide as to whether additional affidavit on merit is necessary.

6. S.O. to 27.09.2017.

Sd/-

(A.H. Joshi)
Chairman

prk

DATE : 26/9/17
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman) (AHJ)
Hon'ble Shri M. Ramesh kumar (Member) A
APPEARANCE :
Shri/Smt. : R.M. Kolge
Advocate for the Applicant
Shri /Smt. : N.G. Gohad
C.P.O / P.O. for the Respondent/s
A.O. To order passed
in Tribunal Cause
S.O. to 27/9/17

260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. 896 of 20 17 DISTRICT

ADV. A. V. BANDIWADEKAR
ADV. R. A. BANDIWADEKAR
ADV. S. A. BANDIWADEKAR

Mr. A.S. Shinde 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

objection:-
1] Margin:- 26,27,36,37,63
2] Illegible:- 17,19,26,23,34,35, 58, 63 to 66, 69, 70
3] Black shadings:- 22,66,69

Objections not Removed

25 SEP 2017

DATE: 26/9/17

CORAM:

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

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

APPEARANCE:

Shri/Smt.: B. B. Bandiwadekar

Advocate for the Applicant

Shri /Smt.: I. B. Bhise

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

Adj. To..... order passed in Tribunal Column.

Removed from board as there does not exist urgency. Applicant is saddled with cost of Rs. 500/- for circulating the OA despite that there does not exist urgency and he could have secured order of notice from the Registry. If costs are not deposited within one week, OA shall stand dismissed without further reference to this Tribunal.

Sd/-

26/9/2017.

[P.T.O.