

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.1142 OF 2018**

Shri Balraj Shivraj Lanjile

..Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Smt. Lata Patne – Advocate for the Applicant

Smt. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Shri P.N. Dixit, Member (A)

DATE : 27th December, 2018

ORDER

1. Heard Smt. Lata Patne, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. Ld. Advocate for the applicant mentions that she had moved the Hon'ble High Court in the matter by way of Criminal Writ Petition No.3812 of 2016 and the Hon'ble High Court was pleased to pass the order on 21.12.2018 (page 135 of OA) directing applicant to appear before the MAT within one week. However, the order does not mention about the period of one week. The Ld. Advocate for the applicant states that oral instructions were given. The applicant has prayed for interim relief in para 11 (b) of the OA which reads as under:



"11(b) pending hearing and final disposal of this Original Application, this Hon'ble Court may be pleased to direct the respondents No.3 and 4 not to take any coercive steps against the present applicant."

(Quoted from page 36-37 of OA)

3. Ld. Advocate for the applicant draws attention to para 6.29 of the OA which reads as under:

"6.29 The applicant states that regarding respondent no.4's demand letter dated 30.10.2018 to produce documents received by the applicant on 6.11.2018, therefore by letter dated 7.11.2018 he had requested for 3 months time for producing entire documents demanded by respondent no.4 to his utter satisfaction. However, with an ulterior motive and even though these documents are already with the respondents, the respondent no.4 vide letter dated 15.12.2018 granted only 3 days time and directed the applicant to remain present on 18.12.2018 on the pretext to enable him to report respondent no.3 on 19.12.2018. The said act clearly indicates that it was preplanned by the respondent no.4 to drag the applicant and take adverse action against him."

(Quoted from page 23-24 of OA)

4. Ld. Advocate for the applicant, therefore, mentions that there is an imminent threat of coercive action likely to be taken against the applicant shortly.

5. The Ld. PO states that instructions would be sought from respondents no.3 & 4. She pleads adjournment till 2.1.2019.

6. By consent, issue notice returnable on 2.1.2019.

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

8. 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.

9. 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.

10. 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.

11. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

12. Steno copy and hamdast is granted. Ld. PO is directed to communicate this order to the respondents.

Sd/-

(P.N. Dixit)
Member (A)
27.12.2018

Dictation taken by: S.G. Jawalkar.