

O.A.805 to 807/2016

Mr. R.V. Dubey & Ors. ... Applicants
Vs.
The State of Mah. & Ors. ... Respondents

Heard Mr. K.R. Jagdale, the learned Advocate for the Applicants and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.

The submissions of the learned PO Mr. Chougule resume. He places on record a modification order of 30.11.2016. The issue of whether the copies thereof were served on the Applicants was raised earlier, but there are postal receipts showing that the said notice was put in transit in the Post Office by Speed Post and R.P.A.D. The copies of the receipts are there though acknowledgements are not immediately available with the Respondents. However, once there is evidence to show that the said postal packet was put in transit in the Post Office, the rest is the matter of presumption under Section 114(e)(f) of the Indian Evidence Act. This position having been explained to Mr. Jagdale, he on instructions from the Applicant Mr. Pote seeks leave to amend the OA and challenge the modified order above referred to. Regard being had to the scope of the amendment, the MA for the said purpose is dispensed with and the Applicants are allowed to amend the OAs to incorporate the modified orders as the subject matter of challenge and consequential amendments including amendments in the prayer clause is also allowed. The amendment be carried out within a week from today. A consolidated copy of the OA after amendment be filed and the copy be furnished to the learned PO. The OA now stands adjourned for Affidavit-in-reply to 14th August, 2017.

DATE: 28/7/17

ORDER:

~~Mr. Justice L. V. AGARWAL~~
(Judge, Court)

Mr. Justice R. MALIK (Member) J

APPEARANCE:

By Mr. K. R. Jagdale

Advocate for the Applicants

By Mr. A. J. Chougule

Presenting Officer for the Respondents

Adj. To: 14/8/17

(Group)

(Signature)

Sd/-

(R.B. Malik) 28.7.17
Member (J)
28.07.2017

(skw)

**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 |
|--|--|
| <p><u>DATE:</u> 28/7/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAHV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) ✓</p> <p><u>APPEARANCE:</u> Shri/Smt. <u>M.D. Lonkar</u> Advocate for the Applicant Shri/Smt. <u>A.T. Chougule</u> CBO/P.O. for the Respondents Reply filed by A.No. 3.</p> <p>As _____ S.O. to 21/8/17. FA O.A. is admitted. @17</p> | <p style="text-align: center;"><u>O.A. No.530 of 2017</u></p> <p>Shri A.R. Patil ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.</p> <p>The Affidavit-in-Reply is taken on record. The Applicant does not want to file Rejoinder. The Original Application is admitted and appointed for final hearing on 21.08.2017.</p> <p>S.O. to 21.08.2017.</p> <p style="text-align: right;">Sd/- (R.B. Malik) Member (J) 28.07.2017</p> <p style="text-align: center;">(vsm)</p> |

M.A. 196 of 2017 In
O.A. No.635 of 2016

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

Shri S.D. Jagtap ... Respondent
(Ori. Applicant)

The order dated 10.11.2016 whereby the cost of Rs.5000/- was imposed on the Respondent No.2, the Director of Prosecution, MS, Mumbai, though has been complied with has given rise to this Misc. Application for recalling the said order.

I have perused the record and proceedings and heard Ms N.G. Gohad, the learned P.O. for the Applicants (Ori. Respondents) and Shri V.P. Potbhare, the learned Advocate for the Respondent (Ori. Applicant).

The perusal of the order dated 11.08.2016 made by the Hon'ble Chairman would show that the decisions have to be taken by the Government while it seems that the cost was imposed on the Director of Prosecution. There is that little hitch in the matter which in my opinion entitles relief to be granted to the Misc. Application. The order dated 10.11.2016 is, therefore, set aside and the office is directed to refund the amount of Rs.5000/- deposited by the Respondent No.2 in the office of this Tribunal within a period of four weeks from today.

Misc. Application is allowed ⁱⁿ ~~with~~ these terms with no order as to costs. Hamdast.

Original Application stands adjourned to 08.08.2017.

Sd/-

(R.B. Malik) 28-7-17
Member (J)
28.07.2017

DATE: 28/7/17

COMAR

~~Ms. N. G. Gohad~~

~~(P.O.)~~

~~Shri V. P. Potbhare~~

~~Adv.~~

Ms. N. G. Gohad

P.O.

V. P. Potbhare

Adv.

M.A. is allowed

O.A. Adj. to 8/8/17

[Signature]

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

Tribunal's orders

M.A. No.319 of 2017
In
O.A. No.698 of 2017

Shri Dr. P.S. Gawali & Ors. ... Applicants

V/s.

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

Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

Issue notice returnable on 24.08.2017.

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.

S.O. to 24.08.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)
Member (J)
28.07.2017

DATE: 28/7/17

CORAM:

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/V.P. Potbhare

Advocate for the Applicant

Shri/V.P. A.J. Chougule
C.O./P.O. for the Respondents

Adj. To S.O. to 24/8/17

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Tribunal's orders

M.A. No.160 of 2017 In
O.A. No.10 of 2017

Shri M.A. Ingle ... Applicant
V/s.
The State of Mah. & ors. ... Respondents

This Application is for condonation of delay in bringing an OA wherein the dispute relates to Date of Birth probably connected to retirement of the Applicant.

I have perused the record and proceedings and heard Shri P.V. Dakve, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

The Applicant claims that the year of his birth 1959 was wrongly recorded while he was born in the year 1960. The dispute goes back to the year 1998 when the Applicant made an application, a copy which at Exb.'A-3', page 18 of the Paper-Book of the OA wherein he made that request. Although the learned P.O. very strongly opposes this application but perusal of the record would show that there is no written response thereto. Then again in the year 2016, an application was made for the same purpose and from that date the O.A. and M.A. moved on 06.01.2017 are within time. Just because the events are spread over, a period of time no advantage could be given to the Respondents. The mere delay by itself cannot be used as a cause to defeat such an application. The issue would be as to whether the sufficient cause was shown to condone the delay. In my opinion, it has been shown. Delay is accordingly condoned even if there was a delay and the M.A. is allowed with no order as to costs. The Applicant and the Office of this Tribunal shall process the matter and get the O.A. listed before an appropriate bench for disposal according to law. I am now informed that the pleadings are completed therein. Therefore, the Original Application is admitted and appointed for final hearing on 11.08.2017.

DATE: 28/7/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~
(W/o Chh. no)

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

APPEARANCE:

~~Shri~~ P.V. Dakve

Advocate for the Applicant

~~Shri~~ A.J. Chougule

Chh. P.O. for the Respondents

M.A. is allowed.

Adj. to 11/8/17.

~~Adj. to~~

Sd/-

(R.B. Malik) 28-7-17
Member (J)
28.07.2017

Office Notes, Office Memoranda of Coram,
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Tribunal's orders

M.A. 320 of 2017 In
O.A. No.700 of 2017

Shri S.A. Salve & Others ... Applicants
V/s.

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

Heard Shri G.A. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

Issue notice returnable on 24.08.2017.

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.

S.O. to 24.08.2017. Learned P.O. do waive service.

DATE: 28/7/17

CORAM:

Hon'ble Shri RAHVAGARWAL
(Vice-Chairman)

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

APPEARANCE:

Shri G.A. Bandiwadekar

Advocate for the Applicant

Shri A.J. Chougule

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

Ad. To

S.O. to 24/8/17

Sd/-

28/7/17
(R.B. Malik)
Member (J)
28.07.2017

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| <p><u>DATE:</u> 28/7/17</p> <p><u>CELEBRITY:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chief Justice) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri/Adv. G. A. Bandiwadkar</p> <p>Advocate for the Applicant Shri A. J. Chougale</p> <p>C.P.O./P.O. for the Respondents</p> <p>Adj. To: M.A. is allowed.</p> <p><i>[Signature]</i></p> | <p style="text-align: center;"><u>M.A. 319 (A) of 2017</u> In <u>O.A. No.700 of 2017</u></p> <p>Shri S.A. Salve & Others ... Applicants</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri G.A. Bandiwadkar, the learned Advocate for the Applicant and Shri A.J. Chougale, the learned P.O. for the Respondents.</p> <p>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.</p> <p style="text-align: right;">Sd/- (R.B. Malik) Member (J) 28.07.2017</p> <p style="text-align: right;">28/7/17</p> <p style="text-align: center;">(vsm)</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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| <p><u>DATE:</u> 28/7/17</p> <p><u>CORAM:</u> Shri. RAHV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u> Shri. J.N. Kamble holding for N.P. Dalvi. Shri. A.J. Chougule holding for N.K. Rajpurohit.</p> <p>Adj. To: _____ O.A. is admitted. S.O. to 14/8/17.</p> <p>FH <i>[Signature]</i></p> | <p><u>O.A. No.113 of 2017</u></p> <p>Shri D.B. Galphande & Ors. ... Applicants</p> <p>V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri J.N. Kamble holding for Shri N.P. Dalvi, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned P.O. holding for Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.</p> <p>The Applicants do not want to file Affidavit-in-Rejoinder. The Original Application is admitted and on the request of the learned Advocate adjourned to 14.08.2017. S.O. to 14.08.2017.</p> <p>Sd/- (R.B. Malik) Member (J) 28.07.2017</p> <p>28.7.17</p> <p>(vsm)</p> |