

(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

28.09.2016

O.A No 604/2016

Shri A.V More & ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri K.R Jagdale, learned advocate
for the applicants and Ms Archana B.K, learned
Presenting Officer for the Respondents.

Learned Advocate Shri Jagdale files
affidavit in rejoinder. O.A is admitted.
Respondents are at liberty to file affidavit in sur-
rejoinder.

Place for final hearing on 30.9.2016.

DATE: 28/9/16

CORAM:

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

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

APPEARANCE:

Shri/Adv. K.R. Jagdale

Advocate for the Applicant

Shri/Adv. Archana B.K.

~~Adv. for the Respondents~~

Rejoinder filed by Applicant.

O.A. is admitted.

S.O. to 30/9/16.

FH
[Signature]

Akn

Sd/-
(Rajiv Agarwal)
Vice-Chairman

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... 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

28.09.2016

O.A No 898/2016

Smt Manisha R. Parande ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri A.S Tamhane, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 26.10.2016.

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

4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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. Applicant is directed to file affidavit of compliance and notice.

7. S.O 26.10.2016. Hamdast.

DATE: 28/9/16

CORAM:

Hon'ble Shri. RAJI / AGARWAL
(Vice - Chairman)

~~Hon'ble Shri R. B. N. ALK (Member)~~

APPEARANCE:

Shri/Smt. A. S. Tamhane

Advocate for the Applicant

Shri/Smt. N. K. Rajpurohit

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

Adj. to S.O. 26/10/16.
Hamdast

Sd/-
(Rajiv Agarwal)
Vice-Chairman *PRO.*

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.927 OF 2016

DISTRICT : MUMBAI

Shri Jalsing B. Valvi.

)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

Shri A.V. Bandiwadekar, Advocate for Applicant.

Shri N.K. Rajpurohit, Chief Presenting Officer for Respondents 1 & 2.

Ms. S.P. Manchekar, Advocate for Respondent No.3.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 28.09.2016

ORDER

1. This Original Application (OA) is placed before me for consideration of interim orders.

2. I have perused the record and proceedings and heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant, Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents 1 & 2 and Ms. S.P.



Manchekar, the learned Advocate for the Private party Respondent No.3.

3. The Applicant is a Deputy Collector and at the time he brought the present OA, he was working as Deputy Collector, Encroachment / Removal, Ghatkopar, Mumbai. It so happens that the elections to the local self-Government including the Municipal Corporation for Greater Mumbai are due in near future. The State Election Commission addressed a communication to the Government directing that a certain set of Government employees, regardless of whether, they have completed three years or not, in actual fact on that day, should be transferred in connection with the impending elections. The Applicant came to be transferred to Ratnagiri, which he impugns herein. There is a communication from the State Election Commission to the various highly placed authorities of the Government dated 1.2.2016 (Exh. 'C', Page 29 of the Paper Book (P.B)). Therein guidelines are issued as just mentioned namely that those Officers who would complete the three years of their tenure during November, 2016 and February, 2017 should be transferred and another condition was that they should not be the native of the places where the elections would be held. The Applicant disputes this order of transfer and it needs to be




noted that post, 2005, the service condition of transfers is fully governed by an enacted law viz. the "Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005" (Transfer Act). For all practical purposes, this is an instance of mid-tenure transfer and according to the Applicant, the requirements of the said Act having not been complied with and his case being not a special case or exceptional circumstance, he could not be transferred in the manner it is being sought to be done.

4. As already mentioned above, there is a communication from the State Election Commission dated 1.2.2016 and this very communication was the subject matter, as one of the documents in **Writ Petition No.7035/2016 (Nagesh P. Patil Vs. The Principal Secretary, Revenue, a Division Bench of the Hon'ble Bombay High Court by an order of 4th July, 2016** in an interim order directed that the Petitioners be not transferred in the meantime. Pursuant to the communication of 1st February, 2016, the transfer orders were issued in that matter as well. In **Writ Petition No.8804/2016 (Shri Pradeep K. Bhoje Vs. The Principal Secretary (Revenue), a Division Bench of the Hon'ble Bombay High Court** granted relief in exactly



similar circumstance on 28th July, 2016. The Division Bench of Aurangabad Bench of the Hon'ble Bombay High Court in **Writ Petition 8592/2016 (Santosh Z. Raut Vs. The State of Maharashtra and others) by an order of 12th August, 2016**, directed status quo to be maintained. In another pair of **Writ Petitions Nos.8919/2016 (Dilip S. Kachve Vs. The State of Maharashtra and others with Writ Petition No.8921/2016**, another Division Bench of the Hon'ble Bombay High Court at Aurangabad Bench granted interim relief on 18th August, 2016. Thereafter, a Single Bench of this Tribunal presided over by the Hon'ble Vice-Chairman in **OA 871/2016 (Mr. Nitinkumar B. Mundaware Vs. The State of Maharashtra and 4 ors.)** granted interim relief on 23rd August, 2016 and there the very communication above referred to, from the Election Commission dated 1.2.2016 and the order of transfer issued pursuant thereto were involved. It was held by this Tribunal that in as much as the document which is the basis for the transfer was under the judicial scrutiny of the Hon'ble High Court, interim relief needed to be granted. I have per used the copy of the Writ Petition in one of those matters and it seems that the important questions of constitutional hue are involved with regard to the scope of powers of the State Election Commission in relation to effecting transfers of the Government servants, when they



are effected in relation to the various functions related to the elections in the local self-Government. It is not necessary for me to note down in details the various grounds raised in that Writ Petitions, but it would be suffice to mention that the sum and substance of the case of the Petitioners of the Hon'ble High Court is that the Election Commission has undoubted powers to draw the Government Officers for election related duty, but they cannot effect the transfers. Once the allegations are over, then those Officers will have to be sent back to the posts that they were drawn from. As noted earlier that issue awaits judicial determination by the Hon'ble High Court.

5. It needs to be carefully noted that as of now, the election schedule has not been announced nor has Code of Conduct come into force. The issue is as to whether in the ultimate analysis, the State Election Commission can exercise the powers of the Government under the Transfer Act. No doubt, once the elections are announced or even for its preparation, the Election Commission can enforce the powers and rights to utilize the services of the Government servants by enlisting their services, but the issue is as to whether the transfers can be made and that in my view, is an important aspect of the matter and is fully governed by the various interim orders hereinabove



discussed. As a matter of fact, there is no other go but to follow the same line of action such as was adopted by the Hon'ble High Court and by a Single Bench of this Tribunal.

6. The learned CPO Shri N.K. Rajpurohit and Ms. S.P. Manchekar, the learned Advocate for the private party Respondent No.3 sought to distinguish the present case with those other cases. If I have correctly understood them, their argument was that in so far as those matters were concerned, the main challenge was to the prohibition for appointment at one's native place. I have carefully perused the copy of the Writ Petition the gist whereof has been culled out above. I do not think, it will be appropriate to provide such a narrow construction at this stage to the said communication.

7. When the interim relief application was at the final stages and issue was raised in effect, if the Applicant could be posted at a place nearer to Mumbai, in which connection, my order of 22nd September, 2016 needs to be perused. However, yesterday, the learned CPO on instructions made a statement that no such arrangement could be made lest nobody would be willing to serve at places like Sindhudurg and Ratnagiri. If that be so, then going by the above discussion, there is no option but to



grant interim relief herein sought. Ms. Manchekar, the learned Advocate for private party Respondent No.3 told me that his client has now taken over the post that the Applicant has been transferred from and has worked there for about 7/8 days. In my opinion, once it is found that by the rule of precedents, I must also grant interim relief because the order of transfer proceeds on the communication of Election Commission of 1st February, 2016 based whereon the order of transfer was made and orders of the similar nature have been stayed by the Hon'ble High Court and a Single Bench of this Tribunal, then there is no option but to grant the interim relief and needless to say that like any other judicial forum, this forum also has got the powers to grant mandatory relief at interlocutory stage. The Government will be free to accommodate the 3rd Respondent even near Bombay, if it is so minded. I give no specific directions in that behalf either affirmative or negative.

8. For the foregoing, the impugned order is hereby stayed till further orders. The Applicant be reposted to the post he was transferred from within one week from today.

9. Issue notice returnable on 17.10.2016. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.



10. 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.

11. 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.

12. 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.

13. S.O. to 17th October, 2016.

Sd/- Malik
28.09.16
(R.B. Malik)
Member-J
28.09.2016

Mumbai

Date : 28.09.2016

Dictation taken by :

S.K. Wamanse.

28.09.2016

M.A 377/2016 in O.A No 651/2012

Shri V.P Pawar ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.
2. Issue notice before admission made returnable on 13.10.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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. Applicant is directed to file affidavit of compliance and notice.
7. S.O 13.10.2016. Hamdast.

DATE: 28/9/16

CORAM:

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

Hon'ble Shri. B. MALIK (Member)

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

Presenting Officer for the Respondents

Adj. TO S.O. to 13/10/16.

Hamdast

[Signature]

Sd/-

(R.B. Malik)
Member (J)

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>28/9/16</u></p> <p>CORAM:</p> <p>Hon.ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon.ble Shri M. Kameshkumar (Member) A</p> <p>APPEARANCE:</p> <p>Shri/Smt: <u>R.M. Kolge</u></p> <p>Advocate for the Applicant:</p> <p>Shri/Smt: <u>A.J. Chougule</u></p> <p>C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>5/10/16</u></p> <p><i>[Signature]</i></p>	<p>Date : 28.09.2016.</p> <p>C.A.No.53 of 2014 in O.A.No.44 of 2009 with C.A.No.54 of 2014 in O.A.No.173 of 2009 with C.A.No.55 of 2014 in O.A.No.54 of 2010</p> <p>R.G. Joshi (C.A.No.53/2014 in O.A.No.44/2009) S.B. Mahadik (C.A.No.54/2014 in O.A.No.173/2009) S.N. Pitke & Ors. (C.A.No.55/2014 in O.A.No.54/2010) Applicants.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents Shri A.J. Chougule on instructions from Shri Prakash D. Damodare, Assistant Director, Vocational Education and Training, Regional Office, Pune, states as follows :-</p> <p>Time may be required to ascertain and explain as to the grounds on which compound interest paid by the Applicant cannot be granted.</p> <p>3. Time as prayed for is granted.</p> <p>4. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.</p> <p>5. S.O. to 05.10.2016.</p> <p style="text-align: right;">Sd/- <i>[Signature]</i> (A.H. Joshi, J) Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... 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
<p>DATE: <u>28/9/16</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Justice Shri M. D. Lonkar (Member)</p> <p>APPEARANCE: Shri <u>B.A. Bandiwadekar</u> Advocate for Applicant Shri <u>A.J. Chougule</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>13/10/16</u></p> <p style="text-align: right;"><i>BTE</i></p>	<p>Date : 28.09.2016.</p> <p>O.A.No.148 of 2015</p> <p>R.K. Shirsath Applicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant, Shri A.J. Chougule, the learned Presenting Officer for the Respondent No.1 and Shri M.D. Lonkar, the learned Advocate for Respondent No.2.</p> <p>2. At the request of learned Advocate Shri B.A. Bahdiwadekar for the Applicant, adjourned to 13.10.2016.</p> <p style="text-align: right;">Sd/- <i>(A.H. Joshi, J.)</i> Chairman</p> <p style="text-align: left;">prk</p> <p style="text-align: right;">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>28/9/16</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>R.M. Kolge</u> Advocate for the Applicant Shri/Smt. <u>H.G. Gohad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To. <u>30/9/16.</u></p> <p style="text-align: right;">HT</p>	<p>Date : 28.09.2016.</p> <p style="text-align: center;">M.A.No.128 of 2015 in C.A.No.33 of 2015 in O.A.No.910 of 2004</p> <p>V.P. Bhanushali Applicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Today Shri Devidas Choudhary, Deputy Collector, (Encroachment/ Removal), Kurla is present. In view that Shri Mannu Kumar Shrivastav, Principal Secretary, Revenue and Forest Department is arrayed as Contemnor, Officer Shri Devidas Choudhary, Deputy Collector want time to decide as to whether the Secretary would personally look into the matter.</p> <p>3. It is hoped that Shri Devidas Choudhary, Deputy Collector would go to the Secretary personally, seek his appointment and ask his intervention and file affidavit if Secretary does not give him appointment.</p> <p>4. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.</p> <p>5. In view of the foregoing adjourned to 30.09.2016.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... 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
<p><u>DATE:</u> 28/9/16</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri S.K. Hande Advocate for the Applicant Shri Archana B.K. C/O / P.O. for the Respondents</p> <p>Adj. to 19/10/16.</p> <p><i>(Signature)</i></p>	<p><u>O.A.129/2016</u></p> <p>Shri R.S. Takalikar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri S.K. Hande, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>The Affidavit-in-reply of Respondents 2 & 3 has been filed. The Affidavit-in-reply of Respondent No.1 has not been filed. The OA proceeds without the reply of Respondent No.1. The learned PO submits that it is not necessary to file their Affidavit-in-reply. In any case, the OA must proceed without the Affidavit-in-reply of Respondent No.1.</p> <p>Adjourned to 19th October, 2016.</p> <p>Sd/- <i>(Signature)</i> (R.B. Malik) Member (J) 28.09.2016</p> <p>(skw)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. _____ of 20 _____ DISTRICT
..... 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
<p><u>DATE: 28/9/16</u></p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri. R. B. MALIK (Member) ✓</p> <p><u>AFFIDAVIT:</u> Shri. <u>N.D. Batule</u> Advocate for the Applicant</p> <p>Shri. <u>A.J. Chougule</u> C.P.O. for the Respondents holding for N.K. Rajpurohit, C.P.O. Rejoinder filed by Applicant. O.A. is Admit. Liberty to mention is granted. <i>skw</i></p>	<p><u>O.A.431/2016</u></p> <p>Dr. A.D. Jadhav ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri N.D. Batule, the learned Advocate for the Applicant and Shri A.J. Chougule holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.</p> <p>The Affidavit-in-rejoinder is taken on record. Admit. Liberty to mention granted.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">Sd/- <i>RB</i> (R.B. Malik) Member (J) 28.09.2016</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... 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
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O.A.240/2016

Shri S.R. Rathod ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Affidavit-in-reply in response to the order of the Hon'ble Chairman dated 21st July, 2016 is filed, having been sworn by Shri M.B. Kakade. Para 5 thereof makes a disturbing reading. He is directed to remain personally present before me on 30th September, 2016.

S.O. to 30th Septemebr, 2016.

DATE: 28/9/16

CORAM:

~~Hon'ble Shri. RAHVAGARWAL~~
(Vice-Chairman)

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

APPEARANCE:

Shri B.A. Bandiwadekar

Advocate for the Applicant

Archana B.K.

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

(skw)

Sd/-
(R.B. Malik)
Member (J)
28.09.2016

all
28/9/16

Adj. To S.O. to 30/9/16

[Signature]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... 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
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O.A.212/2016

**Shri M.B. Sonawane ... Applicant
Vs.
The State of Mah. & ors. ... Respondents**

Speaking to Minutes

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant, Smt. A.B. Kololgi holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents 1 & 2 and Ms. S.P. Manchekar, the learned Advocate for Respondent No.3.

The matter is placed before me for Speaking to Minutes. There is a little inaccuracy which requires correction in Para 10 of the disposed of OA. In fact, the DE never got going, and therefore, in Para 10, lines 9 & 10 after the words, "but despite", the words, "service of the charges" would be substituted by "framing of draft charges". The necessary corrections may be made. If the certified copies have been furnished, the parties be directed to surrender the same and the Office be furnished to them a fresh corrected certified copy without any additional cost.

Sd/-
(R.B. Malik) *28.9.16*
Member (J)
28.09.2016

(skw)

DATE: 28/9/16.

CORAM:

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

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

APPEARANCE:

Shri B.A. Bandiwadekar

Advocate for the Applicant

Shri Aschana B.K.

~~C.P.O./P.O. for the Respondents~~
holding for R.No. 1 & 2.
S.P. Manchekar for R.No.3.

Adj. To
order passed on the
Tribunal's column.

[Signature]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... 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
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Tribunal's orders

M.A.165/2016 in O.A.322/2016

Shri N.S. Nana ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri Yuvraj Patil holding for Shri P.O. Deokar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

M.A. is adjourned for reply to 13th October, 2016.

Sd/-
(R.B. Malik)
Member (J)
28.09.2016

9/16

DATE: 28/9/16

CORAM:

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

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

APPEARANCE:

Shri Yuvraj Patil holding
for P.P. Deokar
Advocate for the Applicant

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

~~Adj. P.O. M.A. Adj. to 13/10/16~~

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... 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
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O.A.169/2016

Shri B.S. Nikam ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Affidavit-in-rejoinder is taken on record. Admit.

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)
28.09.2016

8/9/16

(skw)

DATE: 28/9/16

CORAM:

~~Hon'ble Shri. RAHVAGARWAL
(Vice Chairman)~~

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

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

O.A. is Admit.

Adj. To

Rejoinder filed by Applicant.

S.O. to 26/10/16.

FH
[Signature]