

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.1038 of 2016****DISTRICT : MUMBAI****C.A. Jadhav****...Applicant****Vs.****Smt. Radhika Rastogi & 3 Ors.****...Respondents**

Shri V.R. Patil, the learned Advocate for the Applicant.

Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.


CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN**DATE : 28.10.2016: .****ORDER**

1. Heard Shri V.R. Patil, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
2. Learned Advocate Shri V.R. Patil for the Applicant prays as follows :-
Leave to substitute the memo of O.A., by deleting the names of Smt. Radhika Rastogi, Member-Secretary of the Development Board for the Rest of Maharashtra (Respondent No.1) and Shri Milind Kamble, I/C Administrative Officer-cum-Research Officer of the Development Board in the Rest of Maharashtra (Respondent No.2), in their individual capacity, array proper Respondents including State of Maharashtra as party and incorporating suitable averments.
3. Leave as prayed for is granted.
4. Learned Advocate for the Applicant undertakes to carry out the substitution expeditiously.
5. Amended O.A. be served on the Respondents with notice of the Tribunal.
6. Issue notice before admission made returnable on 17.11.2016.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Learned Advocate for the Applicant prays for hearing on interim relief, ex-parte.
12. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents at the outset strongly opposes hearing as well as grant of interim relief on the ground that copy of O.A. is not served on the Respondents as well on the ground that there does not exist any urgency in the matter.
13. Learned Advocate for the Applicant urges for interim relief on following grounds :-
 - (a) Applicant is orally informed that he is repatriated because of the policy decision of the Government which is at Exhibit-C of the O.A. paper book dated 01.02.2014.
 - (b) Said decision which is at Exhibit-C of O.A. does not apply to Applicant.
 - (c) Applicant is not actually relieved.
 - (d) Divisional Commissioner, Konkan Division, who is Acting Chairman has already proposed retention of Applicant.
 - (e) Copy of order dated 12.09.2016 due to which Applicant is repatriate is not served on the Applicant.
 - (f) Applicant shall suffer grave loss, while Respondent shall not suffer any injury, if an interim order is passed.
14. Considering peculiar facts and circumstances as urged by learned Advocate for the Applicant, Applicant can be protected till next date.

15. Hence, ex-parte Interim Relief is granted directing the Respondents that Applicant shall not be relieved and shall be permitted to work in the board till next date.
16. S.O. to 17.11.2016, with liberty to circulate before due date, if affidavit-in-reply is filed by the Respondents.
17. Steno copy and Hamdast is allowed to learned C.P.O. Learned C.P.O. is directed to communicate this order to the Respondents.


(A.H. Joshi, J)
Chairman

prk