

**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**

**O.A.415/2017**

**Mr. R.B. Palve & 1 Anr. ... Applicants**  
**Vs.**

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

Perused the record and heard Mr. M.D. Lonkar, the learned Advocate for the Applicants and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

The Applicants seek interim relief in respect of the possession of a residential quarter which was given to the father - the Applicant No.1 in connection with his job as a Police Constable. His daughter - the 2<sup>nd</sup> Applicant has since been appointed as Woman Police Constable and she is staying with her father in the same premises. Post retirement in May, 2015, the Applicant No.1 has not so far vacated the premises in question and that has given rise to the present proceedings stung by the contents of what is Exh. 'J' (Page 39 of the Paper Book (PB), in which it is set out *inter-alia* that should the Applicant No.1 fail to vacate the premises action under Section 31(1)(A) of the Bombay Police Act, 1951 would go underway. From Exh. 'E' (Page 27 of the PB), it clearly appears that the Applicant No.2 daughter has not been paid House Rent Allowance eversince April, 2010. At Exh. 'M' (Page 45 of the PB), the Respondents have conveyed to the 1<sup>st</sup> Respondent that in accordance with the provisions therein quoted, although the said residential accommodation cannot be transferred to the name of the 2<sup>nd</sup> Applicant, upon payment of the penal rent, it would be possible to give the same to the 2<sup>nd</sup> Applicant.

It is in the context of the above referred facts that the relief of a declaration and voiding the impugned order above referred to, stated in various ways in the prayer clause are sought. Vide prayer clause (e), interim relief is sought against the move to evict the Applicants from the residential accommodation.

The learned PO strongly objects to any interim relief be granted. It appears from her submission that nobody from the office of Respondents is present to give instructions to her. Notice was served on 15<sup>th</sup> May, 2017. If the Respondents were insistant on the Applicants paying penal rent, then there is no justification there for withholding the HRA of the Applicant No.2 since before the date of retirement of the Applicant No.1. In my opinion, till such time, as the Affidavit-in-reply is filed, the interim relief as herein sought will have to be given, more particularly because the state of the record, such as it is,

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE: 29/5/17</u></p> <p><u>CORAM:</u></p> <p><del>Hon'ble Shri. RAJIV AGARWAL</del> (Vice-Chairman)</p> <p>Hon'ble Shri K. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u></p> <p><del>Shri/Smt. : M.D. Lowkar</del> Advocate for the Applicant</p> <p><del>Shri/Smt. : A.B. Kolalgi</del> C.P.O./P.O. for the Respondents</p> <p><del>Adj. To S.O. to 12/6/17</del> Hamdast.</p>	<p>does not give any indication of any justification for not paying the HRA to the 2<sup>nd</sup> Applicant. Hence, till the date next to the filing of the reply, the Respondents shall be restrained from translating into reality the threat contained in the impugned order in any manner whatsoever.</p> <p>Issue notice returnable on 12.06.2017.</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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</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>S.O. to 12<sup>th</sup> June, 2017. Hamdast.</p> <p style="text-align: right;">Sd/- (R.B. Malik) 29.05.17 Member (J) 29.05.2017</p> <p>(skw)</p>

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

**O.A.418/2017****Mr. S.D. Kharat  
Vs.****... Applicant****The State of Mah. & ors.****... Respondents**

Heard Mr. M.D. Lonkar, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.

Issue notice returnable on 05.06.2017.

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 05<sup>th</sup> June, 2017.

It is made clear that even if in the meanwhile now that this OA has been instituted any action is taken in the first place, that will be subject to the ultimate outcome of the OA and more importantly, the Tribunal is sufficiently empowered to make order of mandatory nature even at interlocutory stage.

Sd/-

(R.B. Malik)  
Member (J)  
29.05.2017

(skw)

DATE: 29/5/17

CORAM:

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

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. A.J. Chougule

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

Adj. To: S.O. to 5/6/17

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

Tribunal's orders  
**O.A.419/2017**

**Mr. R.H. Jadhav** ... Applicant  
**Vs.**  
**The State of Mah. & ors.** ... Respondents

Heard Mr. B.A. Bandiwadekar, the learned Advocate for the Applicant, Mr. A.J. Chougule, the learned Presenting Officer for the Respondents 3 & 4 and Mr. Ashish Gaikwad, the learned Advocate for Respondents 1 & 2.

This matter relates to the recovery having been made post a letter, a copy of which is at Exh. 'A' (Page 23 of the Paper Book (PB)). It does not give a clear indication of the justification for concluding that the Applicant had become liable to suffer recovery. Today, the Affidavit-in-reply has not been filed. A short date is being given and it is made clear that, if on the next date the Affidavit-in-reply is not filed or even if it is filed, the justification is not satisfactory, interim relief may have to be considered.

Issue notice returnable on 08.06.2017.

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 8<sup>th</sup> June, 2017.

Sd/-

(R.B. Malik) 29.05.17  
Member (J)  
29.05.2017

DATE: 29/5/17

CORAM:

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

Mon'ble Shri K. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. A.J. Chougule

CRO/P.O. for the Respondents No. 324.

Ashish Gaikwad Aocr

A. No. 122

Adj. TO

S.O. to 8/6/17.

(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> 29/5/17</p> <p><u>CORAM:</u></p> <p><del>Hon'ble Shri. RAHV AGARWAL</del> (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u></p> <p>Shri/Smt. <u>M.D. Lonkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>A.B. Kololgi</u> C.P.O./P.O. for the Respondents</p> <p><u>M.A. is allowed.</u></p> <p>Adj. To: _____</p> <p style="text-align: right;"><i>(Signature)</i></p>	<p style="text-align: center;"><u>M.A.203/2017 in O.A.415/2017</u></p> <p><b>Mr. R.B. Palve &amp; 1 Anr.      ... Applicants</b> <b>Vs.</b> <b>The State of Mah. &amp; ors.      ... Respondents</b></p> <p>Heard Mr. M.D. Lonkar, the learned Advocate for the Applicants and Mrs. A.B. Kololgi, the learned Presenting Officer 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) 29.05.2017</p> <p>(skw)</p> <p style="text-align: right;">29.5.17</p>

(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
<p>DATE: <u>29/5/17</u></p> <p><u>CORAM:</u></p> <p><del>Hon'ble Shri. RAJIV AGARWAL</del> (Vice Chairman)</p> <p>Hon'ble Shri K. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u></p> <p>Shri/Smt. <u>M.D. Lonkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>A.B. Kololgi</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To: <u>S.O. to 5/6/17.</u></p> <p><i>(Signature)</i></p>	<p><u>O.A.420/2017</u></p> <p><b>Mr. S.R. Magar &amp; 1 Anr. ... Applicants</b> <b>Vs.</b> <b>The State of Mah. &amp; ors. ... Respondents</b></p> <p>Heard Mr. M.D. Lonkar, the learned Advocate for the Applicants and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>The OA stands adjourned to 5<sup>th</sup> June, 2017.</p> <p>Sd/- (R.B. Malik) <i>gy</i> Member (J) 29.05.2017</p> <p>(skw)</p>

# 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> 29/5/17</p> <p><u>CORAM:</u>            Hon'ble Shri. RAJIV AGARWAL            (Vice-Chairman)            Hon'ble Shri K. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u>            Shri/Smt. M.D. Lonkar            Advocates for the Applicant            Shri/Smt. A.B. Kololgi            C.P.O./P.O. for the Respondents</p> <p>M.A. is disposed of.</p> <p>Adj. To _____</p>	<p><u>M.A.212/2017 in O.A.420/2017</u></p> <p>Mr. S.R. Magar &amp; 1 Anr. ... Applicants            Vs.            The State of Mah. &amp; ors. ... Respondents</p> <p>Heard Mr. M.D. Lonkar, the learned Advocate for the Applicants and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>This MA can be disposed of without any protraction more particularly in view of the contents of Para 7 of this MA. The 2 Applicants of this MA be impleaded as Applicant Nos.11 and 12 by a suitable amendment to be carried within a period of three days from today. A consolidated copy of the OA after amendment be filed and a copy thereof be furnished to the learned PO. MA is disposed of. NOC</p> <p>Sd/-            (R.B. Malik) 29.05.17            Member (J)            29.05.2017</p> <p>(skw)</p>

**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> 29/5/17</p> <p><u>CORAM:</u>  <del>Hon'ble Shri. RAJIV AGARWAL</del>  (Vice Chairman)  Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u>  Shri/Smt. A.V. Shinde  Advocate for the Applicant  Shri/Smt. A.B. Kololgi  C.P.O./P.O. for the Respondents</p> <p>Adj. To: S.O. to 19/6/17</p>	<p><u>M.A.209/2017 in O.A.425/2017</u></p> <p><b>Mr. P.D. Salunkhe ... Applicant</b>  <b>Vs.</b>  <b>The State of Mah. &amp; ors. ... Respondents</b></p> <p>Heard Mr. A.V. Shinde, the learned Advocate for the Applicants and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>Issue notice returnable on 19.06.2017.</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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</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>S.O. to 19<sup>th</sup> June, 2017.</p> <p style="text-align: right;">Sd/-  (R.B. Malik)  Member (J)  29.05.2017</p> <p>(skw)</p>



**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> 29/5/17</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/Smt. B.A. Bandiwadkar Advocate for the Applicant (Intervenors) Shri/Smt. A.B. Kololgi - P.P.O./P.O. for the Respondents and Shri. M.D. Lonkar for original Petitioners/Applicants. - Adj. F. S.O. to 19/6/17.</p>	<p><u>M.A.210/2017 in O.A.400/2017</u></p> <p><b>Mr. M.R. Patil &amp; Ors. ... Applicants (Intervenors)</b></p> <p><b>Vs.</b></p> <p><b>The State of Mah. &amp; ors. ... Respondents</b></p> <p>Heard Mr. B.A. Bandiwadkar, the learned Advocate for the Applicants (Intervenors), Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents and Mr. M.D. Lonkar, the learned Advocate for original Applicants.</p> <p>Issue notice returnable on 19.06.2017.</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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</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>S.O. to 19<sup>th</sup> June, 2017.</p> <p>It is made clear that whatever events take place henceforth, will be subject to the ultimate outcome of this OA.</p> <p>Sd/- (R.B. Malik) Member (J) 29.05.2017</p> <p>(skw)</p>