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(G.C.P.) J 2260 (A) (50,000—2-2015)

(Spl.- MAT-F-2 E.

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

29.08.2016

O.A Nos 491 & 492/2016

Shri V.D Shinde & Others ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri K.R Jagdale, learned advocate for the applicants and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

Learned Advocate Shri Jagdale states that affidavits in rejoinder will be filed during the course of the day.

Both the O.As are admitted. Respondents may file sur-rejoinder, if need be.

Place for final hearing on 23.9.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 29/8/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/~~S~~ K.R. Jagdale
Advocate for the Applicant
~~Shri/Smt.~~ K.S. Gaikwad
~~C.P.O. / P.O.~~ for the Respondents
Rejoinder filed by Applicant in both Matters.
O.A case admitted.
S.o. to 23/9/16.

[P.T.O.

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

29.08.2016

M.A 310/2016 in O.A No 271/2016

Shri V.R Jagtap & Ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the Petitioners, Ms Swati Manchekar, learned advocate for the Original Applicants and Mrs K.S Gaikwad, learned Presenting Officer for the Respondents no 1 & 2.

We have perused the record and proceedings. The point is as to whether the present Misc Application survives the test of law with regard to third party impleadment. Our finding thereon is in affirmative for the following reasons.

As far as the facts are concerned, it is not necessary for us to delve into the details thereof in this Misc Application. It would be suffice to mention that going by the nature of the prayer in the O.A which, inter alia, seeks the relief of revamping the seniority position of the entire cadre, the Misc Applicants who are the promotees can atleast be impleaded as proper parties, although the scope of the matter is what it is we consider it unnecessary to delve into the niceties of necessary or proper parties.

The M.A is therefore allowed. Original Applicants are directed to be impleaded by the Applicants in the Misc Application as party-Respondents along with consequential amendments, if any, within two weeks from today. A consolidated copy post amendment be filed and copy be furnished to the learned P.O and newly added Respondents be served in accordance with rules.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 29/8/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
Shri/Smt. M.D. Lonkar
Advocate for the Applicant .
Shri/Smt. K.S. Gaikwad
C.P.O/P.O. for the Respondents no 1 & 2.
Ms. S.P. Manchekar for Original Applicants.
Adj To.....
M.A. is Allowed.
O.A. adj. to 12/9/16.

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

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

Date : 29.08.2016

O.A.No.760 of 2016

Shri S.S. Shinde ....Applicant

Versus

The Commissioner of Police, Mumbai and Ors. ...Respondents

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Shri K.B. Bhise, the learned P.O. for the Respondents seeks an adjournment for filing reply. As per the prevailing practice, the notice was already given 4 weeks ago. Therefore the reply should have been filed today. However, one more chance is granted.

3. S.O. to 14.09.2016.

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

Sba

DATE : 29/8/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri R.B. Malik (Member) (A)
Shri C.T. Chandratre
Advocate for the Applicant
Shri K.B. Bhise
C.P.O. / P.O. for the Respondent/s

Adj. To 14/9/16.

PTO

(G.C.P.) J 2260 (A) (50,000—2-2015)

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 **Date : 29.08.2016**

M.A.No.165 of 2016 in O.A.No.322 of 2016

Shri N.S. Nana ....Applicant
Versus
The State of Mah. & Ors. ...Respondents

1. Heard Shri Yuvaraj Patil, the learned Advocate holding for Shri P.P. Deokar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant Shri Yuvaraj Patil submits that Advocate Deokar is being hospitalized and therefore he seeks an adjournment. For the reason assigned, the request is granted but the Applicant must make sure that copies of the O.A. must be served on the Respondents and as well as the learned P.O.

3. S.O. to 28.09.2016.

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

Sba

DATE : 29/8/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh kumar (Member) A~~
Advocate for Applicant
Shri Yuvraj Patil holding for P.P. Deokar
Advocate for Applicant
Shri N.G. Gohad
C.P.O. for the Respondent/s

Adj. To 28/9/16

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

Date : 29.08.2016

O.A.No.273 of 2016

Shri A.D. Sathe **....Applicant**

Versus

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

1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. The affidavit-in-reply of Respondent No.2 has been field. Shri K.B. Bhise, the learned P.O. seeks an adjournment for filing affidavit of Respondent No.1.

3. On 8.8.2016 last chance was given. Therefore I donot accept the request of the learned P.O. The O.A. proceeds without affidavit-in-reply of the Respondent No.1 making it clear that they will have to face the consequences in accordance with law if they follow. But it is also made clear that on the next date when the matter appears for regular hearing, if affidavit-in-reply of the Respondent No.1 is filed, it will be taken on record but no further adjournment shall be even asked for and it will not be granted.

4. O.A. is formally admitted and in view of this order it will be placed before the appropriate bench on 29.09.2016.

5. S.O. to 29.09.2016. Steno copy and Hamdast is allowed.

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

DATE : 29/8/16
CORAM :
Hon'ble Justice Shri J. H. Joshi (Chairman)
Hon'ble Shri R.B. Malik (Member) A
APPEARANCE :
Shri R.M. Kolge
Advocate for the Applicant
Shri K.B. Bhise
C.P.O. / P.O. for the Respondent/s

Adj. To 29/9/16. Steno copy & Hamdast is allowed.

Sba

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

Date : 29.08.2016

O.A.No.272 of 2016

Smt. S.H. Desai **....Applicant**

Versus

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

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents No.1 to 3 and Shri R.M. Kolge, the learned Advocate for the Respondents No.4.

2. Learned Advocate for the Applicant Shri K.R. Jagdale undertakes to file rejoinder during the course of the day.

3. In view of the matter O.A. is admitted. Liberty to mention is granted.

4. 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.

5. 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.

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 four weeks. Applicant is directed to file affidavit of compliance and notice.

Sd/-

(R.B. Malik)
Member(J)

DATE : 29/8/16
CORAM :
Hon'ble Shri R.B. Malik (Member)
Adv. for Applicant — K.R. Jagdale
Adv. for Respondent/s — K.B. Bhise
Adj. To... Admit.

Sba

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

Date : 29.08.2016.

O.A.No.832 of 2016

Shri U.M. Gound ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Smt. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 7.11.2016.

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

4. Applicant is authorized and directed to serve the 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. to 7.11.2016.

29/8/2016

J.N. Kamble

S. Suryawanshi

Sd/-

(A H Joshi,J)

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

Date : 29.08.2016.

O.A.No.808 of 2016

Shri J.M. Gurav ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Shri S.D. Dhongade, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 14.9.2016.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. to 14.09.2016.

(A.H. Joshi, J.)
Chairman

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.571 OF 2016

Shri C.K. Yerunkar ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

Shri B.A. Bandiwadekar, the learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 29.08.2016.

ORDER

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states as follows:-
Time may be granted for filing reply.

3. Learned P.O. for the Respondents was called to state whether the orders passed in present O.A. on earlier dates are communicated to the Respondents.

4. Learned P.O. for the Respondents states that two communications were sent to the Respondents on 13.07.2016 and 26.07.2016.

5. Learned P.O. for the Respondents states that letter dated 13.07.2016 sent by the office of registrar of this Tribunal is received, however further instructions are still awaited.

6. Learned P.O. is directed to furnish the names of these two officers holding the post of Respondent Nos.1 and 2.

Learned P.O. has furnished the names of these officers as follows:-

(a) Respondent No.1, Mrs. C.M. Kakade, Director, Administration, Employees State Insurance Scheme, Panchdeep Bhawan, 6th floor, N,M, Joshi Marg, Lower Parel, Mumbai 400 013.

(b) Respondent No.2, Mr. R.M. Pawar, Medical Superintendent. ESIS Hospital, Satpur, Trymbak Road, Nashik.

8. Mrs. C.M. Kakade, Director, Administration and Mr. R.M. Pawar, Medical Superintendent are directed to file their own affidavit on the following points:-

(a) Whether their office has received notice / intimation of date of hearing from this Tribunal or the learned Advocate for the Applicant or from the office of Chief Presenting Officer or from this Tribunal ?

(b) The date of which their office has brought to their notice the fact and pendency of present Original Application.

(c) What steps they have taken for defending that O.A. after they came to know about the pendency of the O.A., and date of hearing ?

(d) Reasons as to why none from the office of Respondents No.3 and 4 have attended to this O.A. and learned P.O. is not duly instructed?

(e) What steps and measures they would take to ensure that the intimation about the O.A. received from the learned Advocate / learned P.O. and / or this Tribunal do not remain unattended and arrangements to attend to the case is done only after full application of mind ?

(f) What arrangements they shall make for punctual attending to the notices of the court matters?

(g) Show cause as to why he should not be personally saddled with costs for neglecting to attend the proceedings before this Tribunal, and notice / communication of the learned P.O..

9. The Respondents are expected to reply points as stated in foregoing paragraph as well as file affidavit answering each and every point and paragraph contained in O.A..

10. Simultaneously, the Respondents are directed to examine Applicant's claim and praver contained in O.A. They shall find out as to whether there exists any legal

impediment in granting benefit claimed by the Applicant. In case there is no legal impediment, the benefit claimed by Applicants be granted to the Applicant in full or in part, according to eligibility. Pendency of this O.A. shall not come in the way of taking decision and action.

11. In view that Respondents are directed to take affirmative action, if it is possible, longer time is granted.

12. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

13. S.O. to 16.11.2016.

(A.H. Joshi, J.)
Chairman

spa

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.512 OF 2016

DISTRICT : MUMBAI

Shri D.A. Gavade ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

Shri B.A. Bandiwadekar, 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 : 29.08.2016.

ORDER

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents has tendered affidavit on behalf of the Respondent No.3.

3. Learned Advocate for the Applicant has tendered rejoinder. Both are taken on record.

4. It is seen that Respondents No.1 has not filed affidavit nor requested for time.

5. Learned P.O. for the Respondents was called to state whether para-wise remarks are received from the Respondent No.1.

6. Learned P.O. for the Respondents states that para-wise remarks are not received.

7. At this stage learned Advocate for the Applicant insists for final hearing.

8. Heard both sides. It has transpired as follows:-

This Tribunal has directed Respondent No.1 in O.A.No.324 of 2013 as follows:-

> *"6. We direct that the Respondents must conclude the departmental enquiry in the manner they think proper within 12 weeks from the date of the order hereof (24.7.2014). During this period also, there will be no embargo on the disciplinary powers of the Respondents vis-a-vis the pending departmental enquiry against the Applicant. But there will not be continued after the said period elapses. If the enquiry is not concluded by a final order one way or the other within this period of 12 weeks, then by the reason hereof, it would stand quashed and conseqently, the Applicant would be taken to have been exonerated."*
>
> (Quoted from paragraph 6 of order dated 24.07.2014 at page 24, 25)

9. Admittedly enquiry was not completed in 12 weeks period.

10. Hence O.A. deserves to be admitted. Therefore O.A. is admitted.

11. In the background that O.A. is admitted, learned Advocate for the Applicant prays for hearing on interim relief.

12. Heard both sides on interim relief.

13. It is reported that during pendency of this proceeding in view of the order passed by this Tribunal, Applicant's case is already placed before the Establishment Board, and the Establishment Board likely to meet in few weeks, in the background that disciplinary proceeding stands lapsed due to order of

this Tribunal and failure of the State to challenge the order passed by this Tribunal.

14. In the foregoing premises State has failed to show any legal impediment in granting Applicant's claim in terms of prayers clause para 10 (a) and 10 (b) of the O.A..

15. Balance of convenience for grant of interim relief is in favour of Applicant.

16. Hence interim relief is granted in terms of prayer clause 10(a) and 10 (b).

17. O.A. to come up in due course for hearing.

Sd/-

(A.H. Joshi, J)
Chairman

spa

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

Date : 29.08.2016.

O.A.No.746 of 2016

Shri D.B. Bagayatkar ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. None for the Applicant. Heard and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for time for filing reply.

3. Limited question involved in this case is:-

What are the grounds and reasons, due to which the salary and allowances during the period of suspension, which was liable to follow the reinstatement, could be denied.

4. Learned P.O. for the Respondents after taking instructions from Smt. Pooja S. Dhok, Law Officer, Commissioner of Police, Mumbai states that the query referred to in the foregoing para, which Tribunal has framed, will have to be addressed if the Government does not challenge decision in O.A.No.1025 of 2015.

5. Whatever decision which the competent Authority may take either to acquiesce or challenge the order passed in the O.A., be taken within two weeks and be reported on next date. In case decision is not reported the O.A. would be heard at once on the next date.

6. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

7. S.O. to 4.10.2016.

Sd/-

(A.H. Joshi, J.)

Chairman

sba

29/8/16

None for the appl.

K.S. Gaikwad

4/10/16. steno copy & Hamdast is allowed.

(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

I N

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

MA.330/16 in CA.41/16 in OA.1225/10

Smt. Sujata Saunik ..Applicant
Vs.
Dr. S.C. Gupta ..Respondent

Heard Shri M.D. Lonkar, learned Special Counsel for the Applicant-Contemnor and Miss S.P. Manchekar, learned Presenting Officer for the Respondent-original applicant.

2. Shri Lonkar, Ld. Special Counsel for the Contemnor states that after reconsidering the language of the apology he is of the view that proper and eloquent apology ought to have been filed.

3. Shri Lonkar states that contemnor is out of India for six weeks.

4. For enabling the contemnor to file fresh affidavit adjourned to 8.11.2016.

(A.H. Joshi, J)
Chairman
29.8.2016

(sgj)

DATE : 29/8/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri ~~M. Jayachandran (Member)~~ A
APPEARANCE :
Shri/Smt. : M.D. Lonkar, Special Counsel for the Applicant - Contemnor
Advocate for the Applicant
Shri/Smt. : Ms. S.P. Manchekar
C.P.O / P.O. for the Respondent/~~s~~ Original applicant
Adj. To 8/11/2016

..... 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

Date : 29.08.2016.

M.A.No.104 of 2016 in C.A.No.16 of 2016 in O.A.No.78 of 2014 (A.bad) (M.A.419 of 2015 in C.P.St.1572 of 2015) with M.A.No.105 of 2016 in O.A.No.78 of 2014 (A'bad)

The Bhujal Abhiyanta Sanghtana Maha. Rajya. ...Applicant

Vs.

Shri RAjeshkumar & Ors. ...Respondents

1. Heard Shri V.B. Wagh, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has tendered affidavit affirmed by Shri Rajesh Kumar, Principal Secretary, Water Supply and Sanitation Department, Gokuldas Tejpal Hospital Building Premises, Lokmanya Tilak Marg, Mantralaya, Mumbai. It is taken on record.

3. Learned P.O. for the Respondents prays for two weeks time for reporting further compliance.

4. S.O. to 20.10.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 29/8/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh~~kumar (Member) A
APPEARANCE :
Shri/Smt. : V. B. Wagh
Advocate for the Applicant
Shri/Smt. : K. S. Gaikwad
C.P.O./P.O. for the Respondent/s
Adj. To 20/10/2016

[P.T.O.

(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

I N

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. No.423 of 2016

Shri S.H. Patil & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Shri D.B. Khaire, learned Advocate for the Applicant has filed leave note. Heard Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. In view of the leave note adjourned to 20.10.2016.

(A.H. Joshi, J.)
Chairman
29.8.2016

(sgj)

DATE : 29/8/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Rameshkumar (Member) A~~
APPEARANCE :
Shri/Smt. : D. B. Khaire
Advocate for the Applicant
Shri/Smt. : K. B. Bhise
~~C.P.O~~ / P.O. for the Respondent/s

Adj. To 20/10/2016

RJ

(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

I N

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

C.A. No.57 of 2016 in O.A. No.38 of 2016

Shri S.R. Jadhav ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. V.K. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO states that she wants time to time instructions and make statement tomorrow.

3. S.O. to 31.8.2016.

(A.H. Joshi, J.)
Chairman
29.8.2016

(sgj)

DATE : 29/8/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakrishnan (Member) A

Shri/Smt. V. K. Jagdale
Advocate for the Applicant
Shri/Smt. Archana B. K.
C.P.O. / P.O. for the Respondent/s

Adj. To 31/8/2016

(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

I N

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
	C.A. No.15 of 2016 in O.A. No.892 of 2014 Shri G.D. Salunkhe ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents. 2. Shri Bandiwadekar, Ld. Advocate prays that in view of the stay granted by the Hon'ble High Court in the WP filed by the State, this CA be adjourned to 5.12.2016. 3. S.O. to 5.12.2016 with liberty to mention before due date if occasion arises. (A.H. Joshi, J.) Chairman 29.8.2016 (sgj)

DATE : 29/8/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri [illegible] (Member) A
APPEARANCE :
Shri/Smt. : B. A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : Ms. Neelima Gohad
C.P.O./ P.O. for the Respondent/s

Adj. To 5/12/2016

(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

I N

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

C.A. No.132 of 2015 in O.A. No.933 of 2012

Shri S.H. Patil & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.

2. Shri Bandiwadekar, Ld. Advocate prays that in view of the observations of Hon'ble High Court in the WP filed by the State that no coercive steps be taken, this CA be adjourned to 5.12.2016.

3. S.O. to 5.12.2016 with liberty to mention before due date if occasion arises.

(A.H. Joshi, J.)
Chairman
29.8.2016

(sgj)

DATE: 29/8/2016
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri [illegible] (Member) A
APPEARANCE:
Shri/Smt.: B. A. Bandiwadekar
Advocate for Applicant
Shri/Smt.: Ms. Neelima Gohad
C.P.O / P.O. for the Respondent/s
Adj. To 5/12/2016

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.702 OF 2016

DISTRICT : MUMBAI

Shri A.R. Naik ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

Shri S.S. Dere, the learned Advocate for the Applicant

Smt. Archana B.K., the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 29.08.2016.

ORDER

1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant states as follows:-

Respondents are served on 15.07.2016 and he shall file service report today itself.

3. Learned P.O. for the Respondents prays for time for filing reply.

4. Learned P.O. was called to state whether instructions are received. Learned P.O. states that instructions are not received.

5. Respondents No.3 and 4 are directed as follows:-

(a) Called for papers and study the same.

(b) Call for entire relevant case papers and study the same.

(c) File affidavit of their own on following points:-

(i) Whether their office has received notice / intimation or date of hearing from this Tribunal or the learned Advocate for the Applicant or from the office of Chief Presenting Officer or from this Tribunal ?

(ii) The date of which their office has brought to their notice the fact and pendency of present Original Application.

(ii) What steps they have taken for defending that O.A. after they came to know about the pendency of the O.A., and date of hearing ?

(iii) Reasons as to why none from the office of Respondents No.3 and 4 have attended to this O.A. and learned P.O. is not duly instructed ?

(iv) What steps and measures they would take to ensure that the intimation about the O.A. received from the learned Advocate / learned P.O. and / or this Tribunal do not remain unattended and arrangements to attend to the case is done only after full application of mind ?

(v) What arrangements they shall make for punctual attending to the notices of the court matters?

(vi) Show cause as to why they should not be personally saddled with costs for neglecting to attend the proceedings before this Tribunal, and notice / communication of the learned P.O..

6. It is clarified that directions to file affidavit should not preclude Respondents for taking affirmative action in terms of the prayer contained in O.A. or in such manner and to such extend it is permissible, if there is no legal impediment in granting Applicant's benefit claimed by the Applicant.

7. It shall not be necessary to file affidavit answering each and every point and paragraph contained in O.A. if applicant's claim is favourably considered. In such event Affidavit be limited to the extent of disputed points only.

8. In view that positive action is expected, longer time is granted.

9. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.

10. S.O. to 20.10.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl. MAT-F-2 E.

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

Date : 29.08.2016.

O.A.No.549 of 2016 with M.A.No.227 of 2016

Shri R.G. Joshi **...Applicant**

Vs.

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

1. None appears for the Applicant. Heard Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Returnable date is extended upto 7.11.2016.

3. If notices are not collected on or before 8.9.2016, the O.A. shall stand dismissed without further reference to the Tribunal.

4. S.O. to 7.11.2016.

Sd/-
(A.H. Joshi, J.)
Chairman

sba

DATE : 29/8/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri [illegible] (Member) A
APPEARANCE :
Advocate for the Applicant : None appears for the Applicant
Shri/Smt. Archana B.K. C.P.O / P.O. for the Respondent/s
Adj. To.: 7/11/2016

PTO.

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

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

Date : 29.08.2016.

O.A.No.758 of 2016

Smt. R.S. Indalkar ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant prays for extension of returnable date.

3. Returnable date is extended to 18.10.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 29/8/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble ~~Shri ... Judicial~~ (Member) A
A.P. :
Shri A.V. Bandiwadekar
Advocate for the Applicant
Shri N.K. Rajpurohit
C.P.O / for the Respondent/s (C.P.O)
Adj. To 18/10/2016

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

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

Date : 29.08.2016.

O.A.No.255 of 2016

Shri V.K. Patne **...Applicant**

Vs.

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

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. By consent adjourned to day after tomorrow.

3. S.O. to 31.08.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 29/8/2016
CORAM :
Hon'ble ... H. Joshi (Chairman)
Hon'ble ... (Member) A
APPEARANCE :
Shri/Smt. : A. V. Bandiwadekar
Advocate for the Applicant
Shri /Smt. : K. S. Gaikwad
C.P.O / P.O. for the Respondent/s

Adj. To 31/8/2016

[P.T.O.

(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

I N

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

C.A. No.101 of 2015 in O.A. No.1086 of 2012

Shri L.G. Sawant & Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

None for the applicants. Heard Shri M.V. Thorat, learned Special Counsel for the Respondents.

2. Shri Thorat, Ld. Special Counsel for the respondents states:

(i) That the State has circulated the writ petition challenging the order passed in OA No.1086 of 2012 and it is expected to come up for hearing tomorrow.

(ii) He prays for adjourning the hearing to a later date.

3. S.O. to 6.10.2016 with liberty to circulate before due date if occasion arises.

Sd/-

(A.H. Joshi, J)
Chairman
29.8.2016

(sgj)

DATE: 29/8/2016

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble ~~Shri ... Member~~ (Member) A

Shri ... None for the Applicant

Shri M.V. Thorat special Counsel for the Respondent/s

Adj. To 6/10/2016

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

C.A. No.130 of 2015 in O.A. No.308 of 2012

Shri S.S. Padave ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Shri Rajpurohit, Ld. CPO states that 8 weeks time is required.

3. After the Tribunal has struck down the decision taken by the competent authority of refusal to compute the applicant's length of service and on that ground refused to grant his request for voluntary retirement, hardly anything was left for the Govt. to decide, in the background that the order passed by this Tribunal is acquiesced.

4. Therefore, any steps for which decision of competent authority is/are required is a matter in fact for completion of requirement of record and any decision is not to be taken.

5. Therefore, the request for grant of 8 weeks time is rejected.

6. Ld. PO is directed to secure instructions and to make a specific statement as to the officer with whom the file is pending and what steps have to be taken by staff of the Hon'ble Chief Minister before submitting the case to the Hon'ble Chief for taking decision.

7. At this stage Ld. PO prays for 3 days time.

8. Steno copy and hamdast is granted.

9. S.O. to 1.9.2016.

(A.H. Joshi, J.)
Chairman
29.8.2016

(sgj)

DATE: 29/8/2016

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri [illegible] (Member) A

Shri/Smt. Adv. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

C.P.O. for the Respondent/s

Adj. To 01/9/2016

Steno Copy and Hamdast is granted (8)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders C.A. No.29 of 2016 in O.A. No.118 of 2015

Shri K.P. Kulkarni ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Shri Bandiwadekar, Ld. Advocate states that:

(i) The order passed in OA is stayed by the Hon'ble High Court.

(ii) In view of this fact it would be proper to hold hands instead of proceeding to hear the CA.

3. The officer Shri M.G. Shirole who had made a false statement and have been recorded by this Tribunal in the order passed on 18.7.2016 be dealt with in accordance with law after disposal of the WP.

4. S.O. to 5.12.2016 with liberty to circulate before due date if occasion arises.

Sd/-
(A.H. Joshi, J.)
Chairman
29.8.2016

(sgj)

DATE : 29/8/2016
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh kumar (Member) A
APPEARANCE :
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri /Smt. K.B. Bhise
C.P.O / P.O. for the Respondent/s
Adj. To 5/12/2016

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl. MAT-F-2 E.

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

Date : 29.08.2016.

C.A.No.120 of 2015 in O.A.No.313 of 2015

Dr. R.S.S.G. Abbas ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has received instructions from Shri Mr. Siddharth Kharat, Deputy Secretary, Higher Education Department, Mantralaya who has come after discussion with Shri Sitaram Kunte, Principal Secretary, states as follows:-

> That the entitlement of the Applicant would be re-examined dispassionately and the decision would be communicated for which atleast three weeks time may be granted.

3. Time as prayed for is granted.

4. Steno copy and Hamdast is allowed.

5. S.O. to 5.10.2016.

Sd/-

(A.H. Joshi, J)
Chairman

sba

DATE : 29/8/16

CORAM :

Hon'ble Justice Shri A. H. Joshi (Chairman)

~~Hon'ble Shri M. Ramesh kumar (Member) A~~

APPEARANCE :

~~Shri~~ Ms. S. P. Manchekar

Advocate for the Applicant

Shri/~~Smt.~~ K. B. Bhise (P.O)

~~C.P.O~~ / P.O. for the Respondent/s

Adj. To 5/10/2016

Steno copy and Hamdast is allowed.

[P.T.O.

(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

I N

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

DATE : 29/8/2016

CORAM :

Hon'ble Justice Shri A. H. Joshi (Chairman)

~~Hon'ble Shri M. Rameshkumar (Member) A~~

APPEARANCE :

~~Shri/Smt.~~ : C.T. Chandratre

Advocate for the Applicant

Shri/Smt. : K.B. Bhise

C.P.O / P.O. for the Respondent/s

~~C.A. No.85 of 2013 in O.A. No.788 of 2012~~

Shri R.T. Patil ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Ld. PO states that Shri D.B. Khaire, Ld. Special Counsel has personal difficulty and hearing be adjourned.

3. S.O. to 3.10.2016.

(A.H. Joshi, J.)
Chairman
29.8.2016

(sgj)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.171 of 2016

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

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

2. Ld. PO states as follows:

(a) That the affidavit is received.

(b) It was drafted without consulting the office of CPO.

3. This Tribunal had asked the Ld. PO to produce it for perusal. It is produced. Perusal of the affidavit reveals that the affidavit does not answer each and every paragraph and point contained in OA.

4. After noting this deficiency, the Ld. PO prays for time for filing affidavit answering each and every point.

5. Ld. PO seeks eight weeks time as a last chance. In view of that matter was heard for quite some time.

6. S.O. to 20.10.2016.

Sd/-
(A.H. Joshi, J.)
Chairman
29.8.2016

(sgj)

DATE : 29/8/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri ... (Member) A
ADVOCATE :
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. K.B. Bhise
C.P.O. for the Respondent/s
Adj. To 20/10/2016