(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

29.09.2016

O.A No 950/2016

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

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 27.10.2016.

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 27.10.2016.

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 29/9/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
Shri/Smt. K.R. Jagdale
Advocate for the Applicant
~~Shri/Smt.~~ Ms. N.G. Gohad
~~C.P.O.~~ P.O. for the Respondents
~~Adj. to~~ S.O. to 27/10/16.

[P.T.O.

directions and Registrar's orders

29.09.2016

O.A No 558/2016

Shri A.V Todankar ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri A.V Bandiwadekar, learned advocate for the applicant & Ms Neelima Gohad, learned Presenting Officer for the Respondents.

Learned Advocate has placed on record a copy of judgment of Nagpur Bench of this Tribunal in O.A 604/2013 delivered on 13.2.2014. Learned Advocate Shri Bandiwadekar stated that this judgment is regarding Shri Dubey, who was working as superior officer of the present applicant and his pension was also withheld though no Departmental Enquiry or judicial proceedings were pending against him at the time of his retirement. Similarly, is the case of the Applicant who retired on 31.1.2016 and at that time no D.E or judicial proceedings were pending against him. Even today, no D.E or judicial proceedings are instituted against him. However, his retiral benefits are stopped on the orders of Respondent no. 2.

Respondent no. 2 is directed to file affidavit in reply on the following points.

(i) Whether any D.E has been ordered against the Applicant, if so on what date, a copy of the charge sheet may be enclosed?

(ii) Whether the Respondent no. 2 has acquainted himself with Rule 27 of the M.C.S (Pension) Rules, 1982, and if so whether pension and retirement benefits of a retired Government servant can be stopped if no D.E or judicial proceedings was instituted against him on the date of his retirement?

(iii) Reasons for sending proposal for granting provisional pension to the Applicant.

Respondent no. 2 should file affidavit in reply covering the above points and also the issues raised in the O.A.

Learned P.O states that affidavit in reply will be within two weeks.

S.O to 14.10.2016. Hamdast.

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 29/9/16.
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/Smt.: A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt.: N.G. Gohad
~~C.P.O~~ P.O. for the Respondents
~~Adj. To~~ S.O. to 14/10/16.
Hamdast

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

C.A. No.85 of 2015 in O.A. No.383 of 2015

Shri D.S. Rajput ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri S.K. Nair, learned Special Counsel for the Respondents.

2. Smt. Mahajan, Ld. Advocate for the applicant states that she has received instructions from the applicant as follows:

(a) In view of filing of Writ Petition No.8674 of 2015 by the State and stay granted therein the applicant wants to withdraw this contempt application with liberty to file fresh application for action for contempt, if occasion arises.

3. Shri S.K. Nair, Ld. Special Counsel for the respondents states that liberty is always available to the applicant.

4. CA is allowed to be withdrawn and disposed off as such with liberty to file fresh OA, if occasion arises.

Sd/-

(A.H. Joshi, J.)
Chairman
29.9.2016

(sgj)

29/9/16
Coram - Hon. Justice Shri A.H. Joshi(C)

Adv. Smt. Punam Mahajan for the appl.
Shri S.K. Nair spl. counsel for Resps.

CA is allowed to be withdrawn.

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 C.A. No.117 of 2015 in O.A. No.919 of 2014
29/9/16 Justice Coram – Hon. Shri A.H. Joshi (C) Adv. Smt. Punam Mahajan for the appl. Smt. K.S. Gaikwad P.O. for Resps S.O. to 18/10/16.	Shri Y.B. Khade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. Ld. PO states that appointment order is issued in favour of the applicant on 28.9.2016 and copy is given to Smt. Mahajan, Ld. Advocate for the applicant. 3. Smt. Mahajan, Ld. Advocate for the applicant states that some time may be granted for considering the terms and conditions contained in the appointment order and to find out as to whether the appointment order is made in due compliance of the order passed by this Tribunal. 4. S.O. to 18.10.2016. Sd/- (A.H. Joshi, J.) Chairman 29.9.2016 (sgj)

P.T.O.

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 R.A. No.2 of 2016 in O.As. No.956, 957 & 958 of 2014

The State of Maharashtra & Ors. ..Applicants

Vs.

Shri S.T. Tiwari & Ors. .. Respondents

Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Applicants-original Respondents and Shri B.A. Bandiwadekar, learned Advocate for the Respondents-original Applicants.

2. At the request of Ld. PO, adjourned to 3.10.2016.

Sd/-

(A.H. Joshi, J.)

Chairman

29.9.2016

(sgj)

PTO

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

C.A. No.99 of 2014 in O.A. No.684 of 2011

Shri D.N. Jadhav ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Ld. PO, on instructions from Shri A.A. Pundkar, Senior Administrative Officer, Office of Additional Commissioner of Police, Central Region, Byculla, Mumbai, states as follows:

(a) That as per the requirement indicated by the Finance Department, fresh proposal for paying the benefits as per the judgment of this Tribunal is submitted on 23.9.2016.

(b) Two weeks time may be granted for making statement as to whether the proposal is acccpted or some time is required.

3. The matter is adjourned with a hope that positive outcome will be reported on the next date.

4. S.O. to 19.10.2016.

sd/-
(A.H. Joshi, J)
Chairman
29.9.2016

(sgj)

29/9/16

Shri A. H. Joshi (Chairman)

~~Shri Jeevankumar (Member)~~

None for the appl.

Applicant

K.S. Gaikwad

for the Respondent/s

19/10/16.

Original Application No. of 20 District

... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memorandum of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders CA No.129 of 2015 in OAs. No.142, 143 & 144 of 2015

Dr. S.S. Deshpande ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri V.P. Potbhare, learned Advocate for the Applicants and Miss Savita Suryawanshi, learned Special Counsel for the Respondents.

2. Parties are common on following:

(a) The order passed by this Tribunal is carried before the Hon'ble High Court and ad interim stay is granted pending admission of writ petition.

3. In view of the foregoing, hearing of this CA is adjourned to 6.3.2017 with liberty to circulate the CA for hearing before due date if occasion arises.

- Sd/-
(A.H. Joshi, J.)
Chairman
29.9.2016

(sgj)

DATE: 29/9/16
CORAM:
Hon'ble Vice Shri A. H. Joshi (Chairman)
Hon'ble Member Rameshkumar (Member) A
APPEARANCE:
Shri V.P. Potbhare
Advocate for the Applicant
Shri S. Suryawanshi
C.P.O for the Respondent/s

Adj. To 6/3/2017.

[P.T.O.

(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

O.A.313/2016

ShriP.B. Avhad ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

Ms. S. Suryawanshi, the learned P.O. is under instructions by Mr. Abhay Jage, Prosecutor, Office of Motor Vehicles Transport. The copy of the order dated 26.09.2016 shows that the 3 Applicants herein are such whose names have been recommended. The OA can be disposed of so say the learned P.O. However, the real ~~consumption~~ would be actually appointment to the post for which an outer time limit will have to be laid down otherwise it will be the needless efforts. The learned P.O. may take instructions and I may consider the same in making the final orders.

S.O. to 4th October, 2016. Hamdast.

Sd/-

(R.B. Malik) 29-9-16
Member (J)
29.09.2016

(skw)

DATE: 29/9/2016
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramesh Kumar (Member) A
R.B. Malik
APPEARANCE:
Shri/Smt. : Punam Mahajan
Advocate for the Applicant
Shri/Smt. : Ms. S. Suryawanshi
C.P.O / P.O. for the Respondent/s
Adj. To 4/10/2016, Hamdast.

[P.T.O.

(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

O.A.904/2016

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

There is an order of stay made in Writ Petition No.5501/2016 dated 13th July, 2016. The order of the 2nd Bench to which I was also a Member dated 24th August, 2015 was apparently stayed by the Hon'ble High Court on 13th July, 2016. The learned P.O. seeks time to file Affidavit-in-reply even in so far as interim relief is concerned. The present Respondents are the Petitioners of the Hon'ble High Court. It will be necessary to peruse the copy of the Writ Petition only to ascertain as to what relief was sought by them. The Respondents shall, therefore, furnish to this Bench a copy of the Writ Petition No.5501/2016 on the next date and file Affidavit-in-reply at least limited to the issue of interim relief although they can as well file a complete Affidavit-in-reply. Liberty reserved for interim relief.

S.O. to 14th October, 2016. Hamdast.

Sd/-
(R.B. Malik)
Member (J)
29.09.2016

(skw)

DATE: 29/9/2016
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakrishnan (Member) A/ R.B. Malik
APPEARANCE:
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri /Smt. : Ms. S. Suryawanshi
C.P.O / P.O. for the Respondent/s
Adj. To 14/10/2016, Hamdast.

29.9.16

(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 **O.A.954/2016**
DATE: 29/9/2016 CORAM: ~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~ Hon'ble Shri R.B. Malik ~~K. Rameshkumar (Member) A~~ APPEARANCE: Shri/Smt. : A.V. Bandiwadekar Advocate for the Applicant Shri /Smt. : A.J. Chougule C.P.O / P.O. for the Respondent/s Adj. To 13/10/2016 Hamdast. Steno. copy allowed.	**Shri J.R. Sonawane ... Applicant** **Vs.** **The State of Mah. & ors. ... Respondents** Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. The matter is placed before me for consideration of interim relief. As of today, the learned P.O. on instructions from Mr. A.N. Bhondve, Under Secretary, Public Works Department, Mantralaya, Mumbai without prejudice to his rights and contentions makes a statement that at least for a period of two weeks, the Applicant is not going to be transferred from his present post to Gadchiroli. This statement is recorded. The OA is now adjourned for reply to 13th October, 2016. Hamdast. Steno-copy allowed. Sd/- 29.09.16 (R.B. Malik) Member (J) 29.09.2016 (skw)

[P.T.O.

(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

O.A.396/2016

Smt. S.D. Khemnar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri S.S. Dixit, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Shri Dixit, the learned Advocate for the Applicant submits that after the Applicant's selection, some complaint was apparently made but the name of the Applicant was not there in the charge-sheet that was laid before the Court of competent criminal jurisdiction. If that be so, the learned P.O. must take the requisite instructions so that the matter does not get innecessarily prolonged. As far as the substitution of the Affidavit-in-reply is concerned, the Affidavit already on record will not be physically returned back but another Affidavit be filed by the Respondents. On the next date, the Affidavit must be filed and the matter must make progress because after-all, the issue of employment to the 23 years old Applicant should not require needless wait.

S.O. to 21st October, 2016. Hamdast. Steno-copy allowed.

Sd/-
(R.B. Malik)
Member (J)
29.09.2016

(skw)

DATE: 29/9/2016
CORAM:
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
~~Hon'ble Shri M. Ramesh Kumar (Member) A~~ R.B. Malik

APPEARANCE:
Shri/Smt. : S.S. Dixit
Advocate for the Applicant
Shri/Smt. : Ms. N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 21/10/2016, Hamdast.
Steno copy allowed.

[P.T.O.

(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

O.A.949/2016

Shri P.S. Bansode ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi holding for Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Issue notice returnable on 13.10.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 13th October, 2016.

Sd/-
(R.B. Malik)
Member (J)
29.09.2016

(skw)

DATE: 29/9/2016
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri R.B. Malik (Member) (J)
APPEARANCE:
Shri/Smt. : A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. Ms. S. Suryawanshi holding for shri. K.B. Bhise
C.P.O / P.O. for the Respondents
Adj. To 13/10/2016

[P.T.O.

versus

The State of Maharashtra and others

..... Respondent/s

esenting Officer.....)

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

29.09.2016

O.A No 944/2016

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

Heard Shri M.D Lonkar learned advocate for the applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents no 1 & 2 and Shri A.V Bandiwadekar, learned advocate for Respondent no. 3.

Learned Advocate Shri Bandiwadekar stated that Respondent no. 3 could not come to this Tribunal to affirm the reply because of exigency of work and therefore, affidavit in reply could not be filed and therefore, matter may be heard on Monday, i.e. 3.10.2016.

S.O to 3.10.2016.

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 29/9/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. Mi LIK (Member)~~
APPEARANCE:
Shri/Smt. : M.D. Lonkar
Advocate for the Applicant
Shri/Smt. : K.S. Gaikwad
P.O. for the Respondents No. 1&2.
V. Bandiwadekar for Res. No. 3.
S.O. to 31/10/16.

[P.T.O.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 957 OF 2016

DISTRICT : KOLHAPUR

Shri S.S Magdum,)...**Applicant**

Versus

Superintendent of Police, Pune Rural)...**Respondent**

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

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

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 29.09.2016

O R D E R

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

2. In this Original Application, the Applicant is challenging his transfer by order dated 26.5.2016. Interim relief of staying the transfer order is also sought as the Applicant was relieved only on 27.9.2016. Learned Advocate Shri Bandiwadekar argued, that ~~as to how~~ the impugned order is patently illegal. He cited the judgment of this Tribunal in another O.A no 518/2016,

decided on 18.82016, which is the order challenged in the present O.A also. He argued that this Tribunal has held in that aforesaid order that the P.E.B's minutes were signed after the transfer order was already issued. He, therefore, stated that the transfer order is already held to be illegal by this Tribunal and accordingly interim relief of staying the impugned order may be granted.

3. Learned C.P.O stated that the order was passed almost 4 months back and there is no urgency to grant any interim relief at this stage. The Applicant should have approached this Tribunal immediately after the transfer order was passed.

4. Though I appreciate the argument putforth by the learned Advocate Shri Bandiwadekar, I am not inclined to grant interim relief at this stage, because of the delay in approaching this Tribunal regarding transfer. However, the Respondents are directed to file affidavit in reply within a period of two weeks.

5. Issue notice before admission made returnable on 13.10.2016.

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

7. 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.

8. 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.

9. 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.

10. S.O 13.10.2016.

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 29.09.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Sep 2016\O.A 957.16 Transfer order challenged SB. 0916 Int. order.doc

The State of Maharashtra and others

..... Respondents/s

(Presenting Officer.....)

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

29.09.2016

O.A No 945/2016

Shri G.M Madake ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate Shri Lonkar stated that the Applicant retired from Government service on 31.10.2015. On the date of his retirement no departmental enquiry was pending against him. Thereafter also no enquiry has been started nor judicial proceedings initiated against him. However, illegally his death-cum-retirement gratuity and other dues have been withheld by order dated 31.3.2016 passed by Respondent no. 2. Learned Advocate Shri Lonkar stated that he is not pressing for any other relief, except that the Applicant's gratuity may be released immediately as no D.E/judicial proceedings were instituted against him on the date of his retirement and under law the Respondents have no authority to withhold his gratuity.

3. Respondent no. 2 is directed to file a short affidavit explaining the circumstances under which order dated 31.3.2015 withholding gratuity of the Applicant was issued by him. The legal provisions under which the said order was passed must be brought to the notice of this Tribunal.

4. Issue notice before admission made returnable on 06.10.2016.

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

6. 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.

PTO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 29/9/16 CORAM : Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) ~~Hon'ble Shri R. B. MALIK (Member)~~ APPEARANCE : ~~Shri/Smt.~~ M. D. Lowkar Advocate for the Applicant ~~Shri/Smt.~~ : K. S. Gaikwad ~~C.P.O./P.O.~~ for the Respondents ~~Adj. To.~~ S.O. to 6/10/16.	7. 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. 8. 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. 9. S.O 6.10.2016. Sd/- (Rajiv Agarwal) Vice-Chairman Akn

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 951 OF 2016

DISTRICT : PUNE

Shri V.S Pasalkar,)...**Applicant**

Versus

Superintendent of Police, Pune Rural)...**Respondent**

Shri C.T Chandratre, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 29.09.2016

O R D E R

1. Heard Shri C.T Chandratre, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondent. Learned Presenting Officer Smt Gaikwad is instructed by Smt R.H Ganvat, Senior Clerk, in the office of Superintendent of Police, Pune Rural.

2. The case of the Applicant is that he was posted to Talegaon M.I.D.C Police Station, Pune by order dated 10.2.2016. By order dated 23.9.2016, which is said to be issued by the Superintendent of Police, Pune Rural, on Wireless, the Applicant

has been posted to Police Control Room, at Pune. Learned Advocate Shri Chandratre stated that in the past also without approval from the Police Establishment Board the Applicant has been poste at least twice from his regular posting. He, therefore, prayed tha the impugned order may be stayed.

3. Learned Presenting Officer Smt Gaikwad stated that she may be granted two weeks' time to file reply. I am not inclined to allow that request to come in the way of interim relief at present. The person who has come from the office of the Superintendent of Police, Pune Rural was duty bound to bring all the necessary papers for t ıe perusal of this Tribunal. The fact that the person is deputed without any papers shows the attitude of the Respondent regarding the seriousness in which the proceedings in this Tribunal are treated by the Respondent.

4. In the absence of any material to show that there were grounds for mid-term transfer of the Applicant and that the order has been issued by the competent authority, the interim relief sought by the Applicant in terms of para 10(b) is granted, which is reproduced below:-

> "10(b) The Hon. Tribunal be pleased to direct the Respondent to maintain status quo ante in r/o of the relieving order dated 23.9.2016 and further be pleased to direct respondent to allow the applicant to work at Talegaon M.I.D.C Police Station till final disposal of this Original Application."

5. Issue notice before admission made returnable on 27.10.2016.

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

7. 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.

8. 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.

9. 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.

10. S.O 27.10.2016. Hamdast.

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 29.09.2016
Dictation taken by : A.K. Nair.

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

CONTEMPT APPLICATION NO.47 OF 2016

IN

ORIGINAL APPLICATION NO.883 OF 2014

Shri Mohd. Gaus Shaikh ..Applicant

Versus

Shri Vijay Waghmare (IAS) ..Respondents

Shri M.G. Shaikh – Applicant in person

Smt. Archana B.K. – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 29th September, 2016

ORDER

1. Heard Shri M.G. Shaikh, Applicant in person and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO states that:

(a) Subject to outcome of the Departmental Enquiry based on the undertaking given by the applicant in furtherance to the order passed by this Tribunal the entire amount due and payable to the applicant viz. 10% of unpaid amount of gratuity and entire amount of leave encashment is paid to the applicant.

(b) That the proceedings be dropped in view of the compliance.

3. Applicant prays for award of costs, being forced to file application for action for contempt and also costs incurred for attending the dates of

hearing and also to take action. Applicant in person has tendered a written note of his submissions. It is taken on record.

4. In the aforesaid premises, it is necessary to know certain facts from the contemnor. Therefore, the contemnor is directed to answer the following points:

(a) Whether his office has received the communication dated 14.2.2016, copy whereof is placed on record at page 35 of the paper book and also the notices dated 4.2.2016, 4.4.2016 & 14.5.2016 copies whereof are on record at pages 39 to 41?

(b) What are the dates on which these communications were delivered in his office?

(c) What are the dates when these communication and notices were brought to his notice?

(d) What precluded him from responding to these notices and communicating to the applicant the reasons for the failure?

(e) Could filing of present contempt application been avoided had the contemnor punctually replied applicant's letter/notices?

(f) Reasons as to why action for contempt should not be taken against contemnor as sought by applicant?

(g) Reasons as to why order of payment of cost at the rate of Rs.1000/- per date towards each date of attendance and Rs.25,000/- for being required to file Contempt Application should not be awarded to the applicant against the contemnor.

5. Ld. PO was asked whether she will communicate this order to the contemnor Shri Vijay Waghmare, so as to enable him to respond.

6. Ld. PO, on instructions from Shri Baban Vishnu Virnak, Assistant Director (NT), Vocational Education and Training, Mumbai, states that he would personally carry the order and give it to the contemnor Shri Vijay Waghmare.

7. Affidavit in reply, if any, be filed on or before 17.10.2016. Copy of reply as may be prepared be sent to the applicant in advance by Speed Post etc or by hand delivery.

8. S.O. to 25.10.2016 for hearing of contempt case, irrespective of reply of the respondent-contemnor.

9. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.

Sd
(A.H. Joshi, J.)
Chairman
29.9.2016

Dictation taken by: S.G. Jawalkar.

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO 958 OF 2016

DISTRICT : RAIGAD

Mrs Jaymala Murudkar)...**Applicant**

Versus

The Collector & Ors)...**Respondents**

Shri Girish J. Paryani, learned advocate for the Applicant.

Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 29.09.2016

O R D E R

1. Heard Shri Girish J. Paryani, learned advocate for the Applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. This Original Application has been filed challenging the order of transfer of the Applicant by order dated 14.9.2015 from the post of Deputy Collector, Land Acquisition Metro Centre-1, Uran, to Deputy Collector, Land Acquisition, Bombay City. Learned Advocate Shri Paryani stated that the order has been ostensibly issued in compliance with Section 4(4) and 4(5) of the

Maharashtra Gove nment Servants Regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 (the Transfer .\ct). However, the order does not mention the exceptiona. circumstances or special reasons for transferring the Applica .t mid-term or mid-tenure. The Applicant was posted at the pr :sent post in September, 2014. Learned Advocate Shri Paryar i stated that the reason for such transfer of the Applicant could be the letter of the State Election Commission dated 1.2 2(16, which is referred to in the impugned order. He stated that in at least four cases ~~against~~ of the Deputy Collectors/Tahsildars who were apprehending transfer in the light of instructions of the State Election Commission, the Hon Bombay High Court has restrained the Respondents from transferring the Petitioners and the matter has been fixed for further hearing on 10.10.2016. He stated that the only difference between the Petitioners before the Hon. High Court and the present Applicant is that the transfer order were not actually issued in case of the Petitioners before the Hc.. High Court, whereas the order has been issued in respect of the Applicant. Learned Advocate Shri Paryani prayed for interim relief of granting stay to the transfer of the Applicant. He stated that the Applicant has not yet been relieved from her present post.

3. Learned Presenting Officer made available the concerned file for my perusal. It is seen that the transfer orders have indeed been issued in pursuance of the directions issued by the State Election Commission dated 1.2.2016. Learned Presenting Officer stated that the order of transfer has been issued in full compliance with the transfer Act and no interim relief may be granted. She also seeks time to file reply.

4. It is seen that the letter of State Election Commission dated 1.2.2016 has asked the Government to ensure that no

transfers are made after 1.6.2016. It was also mentioned that those who are likely to complete 3 years during the holding of election to the local bodies in February/March 2017 should be transferred before that date, i.e. 1.6.2016. The reasons for not effecting this transfer before the date given by the State Election Commission is not clear, though the learned P.O stated that on instructions from Shri Santosh Gawade, Under Secretary, Revenue & Forest Department, Mantralaya, Mumbai that there was some delay in submitting the proposal as the then Revenue Minister has resigned. I am not inclined to accept this explanation for not taking action as per advice given by the State Election Commission. Also considering the fact that in similar circumstances Hon. High Court has granted interim relief of restraining the State Government from transferring similarly situated Deputy Collectors/Tahsildars, I am inclined to grant interim relief to the Applicant.

5. The impugned order dated 14.9.2016 qua the Applicant is stayed till the disposal of this Original Application.

6. Issue notice before admission made returnable on 17.10.2016.

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

8. 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.

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. S.O 17.10.2016. Hamdast.

Sd/—

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 29.09.2016
Dictation taken by : A.K. Nair.

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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 Off cer.....)

Office Notes, C ffice Memoranda of Coram, Appearan e, Tribunal's orders or direction s and Registrar's orders	Tribunal's orders O.A. No.798 of 2016

Miss Mayuri A. Mohite ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Miss Mayuri A. Mohite Applicant in person and Miss Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. Applicant in person states as follows:

(a) Her submission that the case was heard for some time by the Hon'ble Chairman and, therefore, it be heard by the Hon'ble Chairman was based on her ignorance and as to etiquettes to be observed and as regards propriety.

(b) She would, therefore, like to go ahead with the hearing of the case before Hon'ble Member (J).

3. In view of this statement, the matter is removed from the board and it be listed before the Hon'ble Member (J) on 30.9.2016.

Sd/-
(A.H. Joshi, J)
Chairman
29.9.2016

(sgj)

DATE: 29/9/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh mar (Member) A~~
APPEARANCE:
Shri/Smt.: Miss Mayuri A. Mohite
Advocate for the Applicant
Shri/Smt.: S Suryawanshi
C.P.O / P.O. for the Respondent/s
Adj. To 30/9/16.

[P.T.O.