

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.123 OF 2017**

Shri Mahesh K. Jadhav

..Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Shri A.V. Bandiwadekar – Advocate for the Applicant

Miss Savita Suryawanshi – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 29<sup>th</sup> November, 2017

**ORDER**

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Miss Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. In the present OA notice was ordered by this Tribunal on 27.2.2017. Notices were served on 27.2.2017, 2.3.2017 and 3.3.2017. Apart from 2 adjournments sought by the Ld. PO and one adjournment was due to non-availability of bench at the request of Ld. PO time for filing reply was granted twice on 3.4.2018 and 7.7.2018.

3. Today Ld. PO states that Shri Madhukar Telang, Assistant Conservator of Forest, Pune has arrived and he has come with a request for grant of time. The officer who has arrived was called to state the reasons due to which as to why time is required and whether he is



conversant with the facts of the case. He was also called to state whether he has not arrived to Mumbai and to this Tribunal for attending this case.

4. Shri Madhukar Telang, Assistant Conservator of Forest, Pune replies that he has arrived here to attend two cases including present case and he has not studied present case and is not aware as to the facts or point involved in this case and also the reasons for which time to file affidavit is required.

5. It is seen that Shri Madhukar Telang is a Class-I officer working in the post of Assistant Conservator of Forest and he is not like a young or junior officer who is not expected to study the papers before hand or while travelling from Pune to Mumbai particularly when he was accompanied by a Law Officer or Legal Advisor Shri Nagarkar. Due to failure to study Shri Madhukar Telaing, ACF has wasted his own time, wasted time of exchequer and also wasted time of this Tribunal. Therefore he was called to show cause as to why he should not be saddled with cost and also as to whether he desires to engage and Advocate and defend the matter of costs. Shri Madhukar Telang states that a leniency may be shown and minimum cost be ordered which he shall pay and also that he shall take care in future.

6. Thereafter, Ld. PO was called to state the cause and reasons due to which further time to file affidavit should be granted.

7. Ld. PO states that today para wise remarks are received and however, Ld. PO is not able to state the reasons due to which despite grant of more than eight months time, affidavit in reply could not be filed.

8. Ld. PO was called to furnish name of Deputy Conservator of Forest, Pune, which is furnished as follows:

“Shri Rangnath Naikade, Deputy Conservator of Forest, Pune”.

9. Shri Rangnath Naikade, Deputy Conservator of Forest, Pune is called to show cause as to why he should not be personally saddled with cost of Rs.25,000/- (Rupees twenty five thousand only) for callously neglecting to attend the case and for failure on his part to monitor the case himself.
10. Reply to show cause notice be filed on or before 15.1.2018 on which date the matter of cost will be decided as well the OA would be considered on merits notwithstanding the reply.
11. Believing that Shri Madhukar Telang, Assistant Conservator of Forest, Pune has made statement with all solemnity, he is saddled with cost of Rs.1000/- (Rupees one thousand only) to be paid by him personally and from his own pocket within one week from today.
12. Steno copy and hamdast is allowed.
13. Ld. PO is directed to communicate this order to the respondents both for compliance, note and suitable action.



Sd/-

**(A.H. Joshi (J.)**  
**Chairman**  
**29.11.2017**

Dictation taken by: S.G. Jawalkar.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION 399 OF 2017**

**DISTRICT : PUNE**

Shri Ramesh N Chavan )...**Applicant**

**Versus**

The Chief Conservator of Forest & Ors )...**Respondents**

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

Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

**CORAM : Shri Justice A.H Joshi (Chairman)**

**DATE : 29.11.2017**

**ORDER**

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer has tendered affidavit in reply, which is affirmed by Shri Khandekar, Chief Conservator of Forest [Territorial] for and on behalf of Respondent no. 2 as well as Respondent No. 3 The affidavit is taken on record.

3. Since the Respondent No. 1 has filed affidavit for the Respondent Nos 2 & 3, it has to be believed that the version contained therein is the reply and statement of Respondent Nos 2 & 3.

4. The affidavit is evasive and filed prima facie without application of mind and without adverting to specific points referred to in the order passed by this Tribunal in para 4(c) of order passed on 9.11.2017.

5. It is very sorry state of affair apart that it is shocking that officers of the level of Chief Conservator of Forest, Addl. Principal Chief Conservator of Forest and Principal Secretary, Forest, either refuse to or do not understand the letter and spirit of order of this Tribunal. May be that they do not understand, but what shocks is that they arrogate the wisdom superior to Law Officers, Presenting Officer and take the burden to draft and file affidavit on their own heard and file an evasive and misleading affidavit.

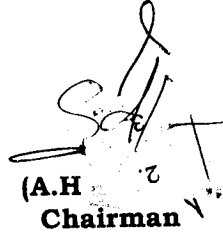
6. All these officers are called to show cause as to why cost of Rs. 25,000/- should not be imposed on each of them personally for failing to aptly and directly file affidavit, and file an evasive reply, rather making a conscious and deliberate attempt to mislead this Tribunal.

7. The affidavit in reply to show cause must be own affidavit of the officer concerned. Delegation to file affidavit shall not be acceptable.

8. If these officers wish, they shall be free to file proper affidavit answering the points raised by this Tribunal in the order dated 9.11.2017, apart from answering to the show cause notice.

9. Reply to the show cause notice be filed on or before 6.12.2017.

10. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.



(A.H.  
Chairman

**Place : Mumbai**  
**Date : 29.11.2017**  
**Dictation taken by : A.K. Nair.**

H:\Anil Nair\Judgments\2017\Nov 2017\O.A 399.17 Transfer, Int. order 29.11.17 Chairman.doc

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION 1092 OF 2017**

**DISTRICT : SATARA**

Radhika Prakash Khochre )...**Applicant**  
**Versus**  
The State of Maharashtra & Others )...**Respondents**

Shri M. Athalye, learned advocate for the Applicant.

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

**CORAM : Shri Justice A.H Joshi (Chairman)**

**DATE : 29.11.2017**

**ORDER**

1. Heard Shri M. Athalye, learned advocate for the Applicants and Ms Archana B.K, learned Presenting Officer for the Respondents.
2. Issue notice returnable on 11.1.2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicants are 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.

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. Applicants are directed to file affidavit of compliance and notice.

7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. S.O to 11.1.2018.

9. Heard on interim relief.

10. It is evident that selection process is not formally cancelled, yet fresh process of recruitment is commenced.

11. Interest of justice shall be met if some arrangement to govern interlocutory situation is ordered.

12. Hence, in the interest of justice, following order is passed:-

(a) let the selection proceed.



- (b) Applicant shall be free to apply.
- (c) let the selection process be completed and merit list be produced before this Tribunal as and when it is completed.
- (d) Appointment shall not be effected.
- (e) Above arrangement is done without prejudice to respective rights and powers.

13. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.



Sd/-

**(A.H Joshi (J.)**  
**Chairman**

**Place : Mumbai**  
**Date : 29.11.2017**  
**Dictation taken by : A.K. Nair.**

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

DISTRICT \_\_\_\_\_

..... Applicant/s


(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE :</b> <u>29/11/2017</u></p> <p><b>CORAM :</b> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><b>APPEARANCE:</b> Shri <u>D.H. Pawar</u> Advocate for the Applicant Shri <u>K.B. Bhise</u> Advocate for the Respondents App. No. <u>8/1/2018</u></p> <p style="text-align: right;"><i>prk</i></p>	<p><b>Date : 29.11.2017.</b></p> <p style="text-align: center;"><b>O.A.No.955 of 2016</b></p> <p><b>R.R. Shaikh &amp; Ors. ....Applicants.</b></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ....Respondents.</b></p> <ol style="list-style-type: none"> <li>1. Heard Shri D.H. Pawar, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</li> <li>2. Shri D.H. Pawar, the learned Advocate for the Applicants has filed purshis for Applicant No.6 and Applicant No.9. These Applicants' names be deleted from the array of Applicants.</li> <li>3. Request to delete the names of the Applicant No.6 and Applicant No.9 from the array of Applicants is granted.</li> <li>4. S.O. to 08.01.2018.</li> </ol> <p style="text-align: right;">   <b>Sd/-</b>  <b>(A.H. Joshi J.)</b>  <b>Chairman</b> </p> <p style="text-align: left;">prk</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

DISTRICT \_\_\_\_\_

..... Applicant/s


(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE :</b> <u>29/11/2017.</u></p> <p><b>CORAM :</b> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>A.V. Bandiwadker</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>S.P. Manchekar</u> for the Respondent/s</p> <p><u>13/12/2017.</u></p> <p style="text-align: right;"><i>BT</i></p>	<p><b>Date : 29.11.2017.</b></p> <p style="text-align: center;"><b>O.A.No.987 of 2017</b></p> <p><b>S.S. Kadam</b> .....Applicant.</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri A.V. Bandiwadkar, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.</li> <li>2. Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents prays for two week's time for filing affidavit-in-reply answering each point, paragraph &amp; contentions.</li> <li>3. Time as prayed is granted by way of last chance.</li> <li>4. Affidavit-in-reply and rejoinder already on record are to be struck off and be removed from first part.</li> <li>5. S.O. to 13.12.2017.</li> </ol> <p style="text-align: right;"> Sd/- <b>(A.H. Joshi)</b> Chairman</p> <p style="text-align: left;">prk</p>

P.) J 2260 (A) (50,000-2-2015)

# THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

MA-505/17 In  
896 of 20 17

Allowed  
29/11/17 DISTRICT

..... Applicant/s

Mr. A.S. Shinge

(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

Heard. MA for leave to  
amend as per the draft  
amendment is allowed

DATE : 29/11/17

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

APPEARANCE:  
Shri/Smt. A.V. Bhandikar

Advocate for the Applicant

Shri/Smt. Archana B.K.  
C.P.O./P.O. for the Respondent/s

Adj.S.O. to MA. is allowed.

*[Signature]*

Sd/-

*[Signature]*  
(A.H. Joshi)

29/11/2017

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

DISTRICT \_\_\_\_\_

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE :</b> <u>29/11/2017</u></p> <p><b>CORAM :</b> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><b>APPEARANCE:</b> Shri/Smt. : <u>Punam Mahajan</u> Advocate for the Applicant</p> <p>Shri/Smt. : <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>OA is disposed.</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>Date : 29.11.2017.</p> <p>O.A.No.605 of 2017</p> <p>P.S. Lomate .....Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</li> <li>2. Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents has tendered copy of order dated 28.11.2017 issued by the Special Inspector General, Prisons (H.Q.).</li> <li>3. In view that Applicant's grievance is satisfied, show cause notice of costs is dropped.</li> <li>4. Hence, Original Application is disposed.</li> </ol> <p style="text-align: right;"><i>[Signature]</i> (A.H. Joshi J.) Chairman</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

DISTRICT \_\_\_\_\_

..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE :</b> <u>29/11/2017</u></p> <p><b>CORAM :</b> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>A. V. Bandiwadkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Archana B.K.</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>4/1/2018</u></p> <p style="text-align: right;"><i>M/A</i></p>	<p><b><u>29.11.2017</u></b></p> <p><b><u>O.A No 430/2017</u></b></p> <p>Shri B.D Kshirsagar ... Applicant Vs. The State of Maharashtra &amp; Ors... Respondents</p> <ol style="list-style-type: none"> <li>Heard Shri A.V Bandiwadkar, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.</li> <li>Learned Advocate for applicant prays for leave to amend to substitute the memo of O.A add annexures, furnish fresh index and synopsis.</li> <li>Leave to amend as prayed is granted.</li> <li>All affidavits and rejoinder already on record, i.e. entire paper book except order sheets be removed and be kept in second part.</li> <li>Amendment be carried out within one week.</li> <li>Amended Memo and paper book be served on Respondents immediately by fresh usual notice.</li> <li>For reply S.O to 4.1.2018.</li> </ol> <p style="text-align: right;">2 Sd/- (A.H Joshi, J.) Chairman</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

DISTRICT \_\_\_\_\_

..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE :</b> <u>29/11/2017</u></p> <p><b>CORAM :</b> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><b>APPEARANCE:</b> Shri/Smt <u>V. U. Sherkhane</u> Advocate for the Applicant</p> <p>Shri/Smt <u>K.B. Bhise</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>21/1/2018</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>Date : 29.11.2017.</p> <p style="text-align: center;"><b>O.A.No.877 of 2017</b></p> <p>S.P. Singh .....Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri V.U. Sherkhane, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Shri V.U. Sherkhane, the learned Advocate for the Applicant states that Applicant would like to file application for condonation of delay and prays to adjourn the hearing for one week.</p> <p>3. In view of the foregoing, adjourned to 21.01.2018.</p> <p style="text-align: right;">Sd/- <u>(A.H. Joshi J.)</u> Chairman</p> <p style="text-align: left;">prk</p>

(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

**29.11.2017**

**O.A No 974/2017**

Shri R.S Patil ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.

2. Learned P.O prays for time for filing reply. Time is granted.

3. Even if enquiry proceeds, let it be concluded, except passing final order.

4. S.O to 21.12.2017.

**DATE :** 29/11/2017

**CORAM :**

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

**APPEARANCE:**

Shri/Smt M. D. Lonkar

Advocate for the Applicant

Shri/Smt K.B. Bhise

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

Adj./S.O. to 21/12/2017

*[Handwritten signature]*

*[Handwritten signature]*  
(A.H Joshi, J.)  
Chairman

Akn