

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 1036 OF 2018**

DISTRICT : PUNE

Snehal Vijay Sawant)...**Applicant**
Versus
The Secretary, MPSC & ors)...**Respondents**

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

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

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

DATE : **29.11.2018**

ORDER

1. Heard Shri S.S Dere, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.
2. Issue notice returnable on 10.1.2019.
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. Respondent no. 1 is directed to furnish to the applicant the address of Respondent no. 3.
9. By way of interim relief, this Tribunal directs that one post of open female category in the cadre of Sales Tax Inspector be kept vacant till further orders.
10. S.O to 10.1.2019.
11. Steno copy and Hamdast is granted. Learned C.P.O is directed to communicate this order to the Respondents.

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

Place : Mumbai
Date : 29.11.2018
Dictation taken by : A.K. Nair.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.1020 of 2018

Dr. (Smt.) M. M. Patil) ...Applicant.

Versus

The State of Maharashtra & Ors.)Respondents

Shri A. V. Bandiwadekar, Advocate for Applicant

Smt. Kranti Gaikwad, Presenting Officer for the Respondents

CORAM : JUSTICE SHRI A. H. JOSHI, CHAIRMAN

DATE : 29.11.2018

ORDER

1. Heard Shri A. V. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for Respondents.
2. The above O.A. is circulated before me for admission hearing and for interim relief.
3. The O.A. was heard by the Division Bench presided over by Shri B.P. Patil, Hon'ble Member (J) and Shri P.N. Dixit, Hon'ble Member (A). In the farad order dated 29.11.2018, it is recorded that the matter is placed before the Hon'ble Chairman for transferring the matter to Aurangabad bench of this Tribunal.
4. Shri A. V. Bandiwadekar, learned Advocate for the Applicant states that he does not wish to transfer the O.A. to Aurangabad and he wants interim order on parity and observation of D.B. that applicant wants transfer of O.A. to Aurangabad appears to be a product of communication gap.
5. Learned Advocate for the Applicant states that he has not prayed for transfer to Aurangabad. If it is transferred to Aurangabad, he would not have an objection. All that he prayed is grant of interim relief.
6. In view that whatever is recorded in the order, it would be appropriate to have the applicant's statement that she wants transfer to Aurangabd to be altered suitably.



7. Be it as it may, it would be proper to hear the case for admission and on the point of interim relief.

8. Issue notice before admission returnable on 10.01.2018⁹.

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

10. 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.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

11. 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.

12. 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.

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

14. Heard both the sides on interim relief. Learned Advocate for the Applicant harps upon certain points namely:-

- (a) The applicant is nominee of Freedom Fighter.
- (b) The applicant holds the qualification of specialization in the field of nutrition and diet.
- (c) The post subject matter is of 'Dietitian' and the applicant holds qualification which is higher and superior academically and from the point of view of specialization.
- (d) The impugned order describes that applicant's appointment is by way of back door entry. However, text thereof is not eloquent as to expression of factual matrix on the basis of which it could demonstrate as to how the applicant's entry in the government service could be described as 'back door entry'.

- (e) Though the applicant was served with show cause notice and the applicant has replied, the reasons which have laid to conclusion adverse to the applicant do not emerge from the impugned order.
- (f) Bare observation that the explanation is not satisfactory turns out to be a decision without recording reasons of grounds of reply being unsatisfactory.
- (d) Similarly the aspect as to whether nominee of Freedom Fighter could be denoted as back door entrant is dealt with as to what appeared prima-facie, while examining for interim order, by this Tribunal at Aurangabad Bench while passing the order in O.A. No.1942/2018 on 28.11.2011 (Justice M.T. Joshi, (V-C) and Atul Raj Chaddha, Member (A)) and thereupon, Aurangabad Bench has granted interim order. Considering that in earlier round, the protection of applicant's services was granted for 15 days period in the event of adverse order, and in the background the applicant is Freedom Fighter's nominee, seen from any angle prima-facie the applicant may not be termed as 'back door entrant'.

15. Upon perusal of record annexed to O.A., it is considered necessary in the interest of justice to grant ex-parte ad-interim relief by staying the impugned order until further orders with a show cause notice to the respondents as to why interim order shall not be made absolute.

16. Reply, if any, be filed a week before the returnable date.

17. Steno copy and Hamdast is allowed.

18. S.O. to 10.01.2018⁹.

Sd/-

(A.H. Joshi J,) 
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| <p>DATE : <u>29/11/2018</u></p> <p>COM : <u>Shri P.N. Dixit (M/A)</u> Hon'ble J. <u>Shri A.H. Joshi (Chairman)</u></p> <p>APPEARANCE : Shri/Smt. <u>R.M. Kolge</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Archana B.K.</u> C.P.C./C.O. for the Respondent's</p> <p>Adj./S.O. to <u>MA is allowed</u> <i>YK</i></p> | <p><u>M.A. No.331 of 2018 in O.A. No.628 of 2018</u></p> <p>S.R. Jadhav & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. By this MA, the Applicants are seeking leave to sue jointly. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 29.11.2018</p> <p>(sg)</p> |

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| <p>DATE : <u>29/11/2018</u></p> <p>CORAM : <u>Shri P.N. Dixit (MIA)</u> Hon'ble Justice <u>Shri A. H. Joshi (Chairman)</u></p> <p>APPEARANCE : Shri <u>R.M. Kolge</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Archana B.K.</u> C.P.O./O. for the Respondent/s</p> <p>Adj./S.O. to <u>8/1/2019</u></p> <p style="text-align: right;"><i>M.P.E.</i></p> | <p style="text-align: center;"><u>O.A. No.628 of 2018</u></p> <p>S.R. Jadhav & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO seeks four weeks time to file reply.</p> <p>3. S.O. to 8.1.2019.</p> <p style="text-align: right;">Sd/- <u>5</u> (P.N. Dixit) Member (A) 29.11.2018</p> <p>(sgj)</p> |

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| <p>DATE : <u>29/11/2018</u></p> <p>CORAM : <u>Shri P.N. Dixit (M/A)</u> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. <u>None for the app.</u></p> <p>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>13/12/2018.</u></p> <p style="text-align: right;"><i>BT</i></p> | <p style="text-align: center;"><u>O.A. No.669 of 2018</u></p> <p>S.R. Varkhande ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>None for the Applicant. Heard Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO adjourned to 13.12.2018 for filing reply.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 29.11.2018</p> <p>(sgj)</p> |

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| <p>DATE : <u>29/11/2018</u></p> <p>CORAM : <u>Shri P.N. Dixit (C.M/A)</u> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. <u>Vishal patil Ld. Adv. holding</u> <u>P.R. Rathod</u> for 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>12.12.2018 for reply.</u></p> <p style="text-align: right;"><i>[Signature]</i></p> | <p style="text-align: center;"><u>M.A. No.446 of 2018 in O.A. No.457 of 2018</u></p> <p>A.R. Chavan ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Vishal Patil, learned Advocate holding for Shri P.R. Rathod, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO mentions that copy of MA is not supplied to her. Ld. Advocate for the applicant assures that same will be provided today.</p> <p>3. S.O. to 12.12.2018 for reply.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 29.11.2018</p> <p>(sgj)</p> |

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MUMBAI**

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Original Application No. _____ of 20 _____

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| <p>DATE: <u>29/11/2018</u> C.O.P.O. by: <u>Shri P.N. Dixit (M/A)</u> Hon'ble Justice: <u>Sri A. H. Joshi (Chairman)</u></p> <p>APPEARANCE: Shri/Smt. <u>K.R. Jagdale</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Archana B.K.</u> C.O.P.O. for the Respondents</p> <p>Adj./S.O. to <u>3/1/2018</u></p> <p align="right"><i>Y.P.</i></p> | <p align="center"><u>O.A. No.272 of 2018</u></p> <p>S.S. Barapatre ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO requests for two weeks time to file reply. Meanwhile Ld. Advocate for the applicant also proposes to procure necessary documentary evidence to indicate the category in which the applicant was appointed.</p> <p>3. By consent S.O. to 3.1.2019.</p> <p align="right">Sd/- (P.N./Dixit) Member (A) 29.11.2018</p> <p>(sg)</p> |

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O.A. No.1110 of 2017

C.B. Nerkar Applicant
Vs.
The State of Maharashtra & Ors. Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Ld. PO states that reply on behalf of respondent no.1 will be filed during the course of the day.

3. Admit. To come up for final hearing in due course with liberty to file rejoinder, if any.

Sd/-

(P.N. Dixit)
Member (A)
29.11.2018

(sgj)

DATE : 29/11/2018

CORAM : shri P.N. Dixit (mla)
Hon'ble Justice Shri A. H. Joshi (Chairman)

APPEARANCE:

Shri K.R. Jagdale

Advocate for the Applicant

Shri/Smt. A.J. Chougule

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

Adj./S.O. to Admit. to come up
for final hearing in due
course.

Handwritten initials