

ORIGINAL APPLICTION NO.209/2020
(Akhil Ahmed Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri R.B.Ade learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant states that the respondent no.7 is served. He also states that the respondent no.2 will be served and he undertakes to file service affidavit.

3. Learned P.O. seeks time to file affidavit in reply. Time is granted.

4. S.O. to 28-09-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 03.09.2020

ORIGINAL APPLICTION NO.211/2020
(Nilesh Dighe Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri M.S.Taur learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply.
Time is granted.

3. S.O. to 01-10-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 03.09.2020

M.A.ST.NO.807/2010 IN O.A.ST.NO.804/2020
(Gopinath Patil & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

(Case is placed before the Single Bench due to non-availability of Division Bench)

DATE : 03.09.2020

ORAL ORDER :

Heard Shri S.A.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to remove office objections.

3. Case be removed from the board.

VICE CHAIRMAN

YUK ORAL ORDERS 03.09.2020

**O.A.NO.122/2020 WITH CAVEAT NO.06/2020
WITH M.A.NO.219/2020
(Sandip Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri R.B.Ade learned Advocate holding for Shri A.B.Girase learned Advocate for the applicant, Shri S.K.Shirse learned Presenting Officer for the respondent authorities, Shri S.D.Dhongde learned Advocate for respondent nos.3 and 4, and Shri N.N.Desale learned Advocate for the Misc. Applicant.

2. Learned Advocate for the respondent nos.3 and 4 submits that copy of the Original Application has not been served on the respondents. Therefore, he prayed to direct the applicant to furnish copy of the Original Application.

3. Learned Advocate for the applicant undertakes to supply copy of the Original Application to the respondent nos.3 and 4.

4. Learned P.O. seeks time to file reply to the rejoinder. Time is granted.

=2=

O.A.NO.122/2020 WITH CAVEAT NO.06/2020 WITH
M.A.NO.219/2020

5. Learned Advocate for the Original Applicant seeks time to file affidavit in reply in the M.A. Time is granted.

6. S.O. to 24-09-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 03.09.2020

ORIGINAL APPLICTION NO.235/2020
(Sunil Thakur Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply.
Time is granted.

3. S.O. to 21-09-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 03.09.2020

ORIGINAL APPLICTION NO.189/2020
(Sujeet Vispute & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri K.G.Salunke learned Advocate holding for Shri K.B.Jadhav learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 28-09-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 03.09.2020

ORIGINAL APPLICTION NO.190/2020
(Rajendra Aware Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. The case pertains to the subject matter of Division Bench. Hence, it may be placed before the Division Bench.

3. Case be removed from the board.

VICE CHAIRMAN

YUK ORAL ORDERS 03.09.2020

ORIGINAL APPLICTION NO.203/2020
(Babu Nagargoje Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondents.

2. The case pertains to the subject matter of Division Bench. Hence, it may be placed before the Division Bench.

3. Case be removed from the board.

VICE CHAIRMAN

YUK ORAL ORDERS 03.09.2020

O.A.NO.985/2019 WITH O.A.NO.996/2019
(Suresh Chate & Anr. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri S.D.Joshi learned Advocate for the applicants, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents in both cases and Shri V.B.Wagh learned Advocate for respondent no.5 in O.A.No.996/2019.

2. Learned P.O. files communication dated 03-09-2020 for extension of time. It is taken on record.

3. At the request of learned CPO, S.O.14-09-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 03.09.2020

ORIGINAL APPLICATION NO. 146 OF 2020
(Ankush H. Manbhare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. 2. Learned Advocate for the applicants submits that the fresh notices be issued to the respondents. Hence, issue fresh notices to the respondents, returnable on 12.10.2020.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 12.10.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 166 OF 2020
(Shashikant P. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. 2. Learned Advocate for the applicants submits that the fresh notices be issued to the respondents. Hence, issue fresh notices to the respondents, returnable on 01.10.2020.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 01.10.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.NO. 163/2020 IN O.A.NO. 73/2020
(Shri Rohit H. Kandharkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for restoration of the accompanying Original Application, which is dismissed in default by this Tribunal by an order dated 11.03.2020.

3. For the reasons stated in para Nos. 3 & 6 of the M.A. No. 163/2020, the same is allowed and disposed of. The order of dismissal dated 11.03.2020 passed by this Tribunal in O.A. No. 73/2020 is recalled and the said O.A. is restored to its original file. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 73 OF 2020
(Shri Rohit H. Kandharkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Today, by passing the separate order in M.A. No. 163/2020, the present Original Application is restored to its original file. In the circumstances, the present Original Application is removed from the board with liberty to the applicant to circulate the same as and when occasion arises.

VICE CHAIRMAN

ORAL ORDERS 03.09.2020-hdd

ORIGINAL APPLICATION NO. 28 OF 2020
(Shri Anil P. Salve Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for
the applicant and Shri B.S. Deokar, learned Presenting
Officer for the respondents.

2. At the request of learned Presenting Officer for
the respondents, S.O. to 01.10.2020 for filing affidavit
in reply, as a most last chance.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 271 OF 2020
(Shri Siddharth M. Kadam Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the
applicant and Shri M.S. Mahajan, learned Chief
Presenting Officer for the respondents.

2. At the request of learned Advocate for the
applicant, S.O. to 10.09.2020.

VICE CHAIRMAN

ORAL ORDERS 03.09.2020-hdd

ORIGINAL APPLICATION NO. 224 OF 2020
(Shri Anil P. Ubale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri G.J. Karne, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed copy of judgment passed by the Hon'ble High Court in case of **DR. SANJAY RAMRAO KADAM & ORS. VS. STATE OF MAHARASHTRA & ORS [W.P. NO. 5402/2018]** dated **20.03.2020** and the same is taken on record and marked as document 'X' for the purpose of identification.

3. Learned Advocate for the applicant seeks time to take instructions as to whether the decision of the Hon'ble High Court taken in case of DR. SANJAY RAMRAO KADAM & ORS. VS. STATE OF MAHARASHTRA & ORS [W.P. NO. 5402/2018] dated 20.03.2020 has been challenged before the Hon'ble Apex Court.

:: - 2 - :: **O.A. NO. 224 OF 2020**

4. The present case be removed from the board with liberty to either side to circulate the same as and when occasion arises

VICE CHAIRMAN

ORAL ORDERS 03.09.2020-hdd

ORIGINAL APPLICATION NO. 315 OF 2020
(Nilesh R. Thorat Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri D.R. Jayabhar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The applicant has challenged the advertisement No. 02/17 issued on 30.01.2017 and 48/17 issued on 01.07.2017 by filing the present Original Application. The applicant has claimed the relief in that regard in prayer clause (IX-F).

3. The Motor Vehicle Department Rules framed in the year 2016 on the basis of that the advertisement No. 02/2017 & 48/17 for appointment on the post of Motor Vehicle Inspector issued on 30.1.17 & 1.7.17 respectively, the applicant has not challenged the rules and conditions therein within the prescribed time limit as provided U/s 21 of the Administrative Tribunals Act, 1985, which pertains to Limitation.

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O.A. NO. 315/2020

4. In view of the above, the present Original Application is barred by limitation and hence, the same cannot be entertained and, therefore, the same is rejected.

VICE CHAIRMAN

ORAL ORDERS 03.09.2020-hdd

ORIGINAL APPLICATION NO. 842 OF 2019
(Shri Mahesh B. Shahane Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has placed on record a copy of representation dated 06.03.2020 filed by the applicant before the Divisional Commissioner, Nasik Division, Nasik for request transfer. The copy of the said representation is taken on record and marked as document 'X' for the purpose of identification.

3. The learned Advocate for the applicant has submitted that the Original Application may be disposed of with the directions to the respondent No. 1 to decide the representation dated 06.03.2020 filed by the applicant within a stipulated time. He has submitted that the applicant is not pressing other reliefs claimed by him in the present Original Application.

4. Learned Presenting Officer has submitted that the reasonable time may be given to the respondent

:: - 2 - :: **O.A. NO. 842 OF 2019**

No. 1 to decide the representation filed by the applicant on its own merit as per rules.

5. In view of the submissions made on behalf of both the sides, the present Original Application stands disposed of with a direction to the respondent No. 1 to decide the representation dated 06.03.2020 filed by the applicant within a period of two months from today on its own merit as per rules.

There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDERS 03.09.2020-hdd

ORIGINAL APPLICATION NO. 733 OF 2019
(Shri Sainath B. Anmod Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri V.A. Bagdiya, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 14.09.2020, as a last chance for taking instructions from the concerned respondents.

VICE CHAIRMAN

ORAL ORDERS 03.09.2020-hdd

ORIGINAL APPLICATION NO. 730 OF 2019
(Shri Sainath B. Anmod Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.09.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 14.09.2020, as a last chance for taking instructions from the concerned respondents.

VICE CHAIRMAN

ORAL ORDERS 03.09.2020-hdd

M.A.NO. 206/2020 IN O.A.NO. 1100/2019
(Rajesh U. Landge & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 7 to 8, Shri S.S. Tope, learned Advocate for respondent Nos. 12 & 15, Sachin Randive, learned Advocate for respondent Nos.18, 19, 22, 23, 24, 28, 29, 30, 31, 32, 34, 36, 37, 39 & 40 and Shri Amol P. Ghole Patil, learned Advocate for respondent Nos. 81 to 84 and Shri G.K. Kshirsagar, learned Advocate for respondent Nos. 85 to 101.

2. At the request of learned Chief Presenting Officer, S.O. to 14.09.2020. The status quo granted earlier in M.A. No. 206/2020 to continue till then.

VICE CHAIRMAN

M.A.ST. NO. 841/2020 IN O.A.NO. 1100/2019
(Nanasaheb S. Agale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 03.09.2020

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicants in M.A. St. 841/2020, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 17 to 24 in M.A., Shri Avinash Deshmukh, learned Advocate for respondent Nos. 1 & 16 in M.A. and S/Shri S.S. Tope, Sachin Randive, Shri Amol P. Ghole Patil, and Shri G.K. Kshirsagar, learned Advocates for the respective respondents in M.A.

2. The learned Advocate for the applicant undertakes to remove the office objection/s within a stipulated period.

3. M.A. St. No. 841/2020 has been filed by the applicants for adding them as party respondents in the O.A. no. 1100/2019.

4. Shri Deshmukh, learned Advocate for the applicants in O.A. no. 1100/2019 has no objection to allow the intervention application i.e. M.A. St. No.

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841/2020 and thereby add the applicants in this M.A. as party respondents in O.A. No. 1100/2019.

5. Learned C.P.O. has submitted that necessary order may be passed.

6. In view of the submissions of the learned Advocate for the applicants in O.A. and learned C.P.O. for the respondents, the M.A. St. No. 841/2020 is allowed. The learned Advocate for the applicants in O.A. no. 1100/2019 is directed to add the applicants in M.A. St. No. 841/2020 as party respondents in O.A. no. 1100/2019. The said amendment shall be carried out within a week.

7. After addition of applicants in M.A. St. No. 841/2020 as party respondents in the O.A., the added respondents are allowed to file their affidavit in reply in O.A. no. 1100/2019.

8. Accordingly M.A. St. No. 841/2020 is disposed of. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 141 OF 2020
(Anil D. Sanap Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 3.9.2020

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for issuance of fresh notices to the respondents.

3. In the circumstances, issue fresh notices to the respondents, returnable on 8.10.2020.

4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

9. S.O. to 8.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A. 118/2020 IN O.A. ST. 222/2020
(Pravin S. Bhadarge Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 3.9.2020

ORAL ORDER :

Heard Shri Vishal Bagadiya, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for issuance of fresh notices to the respondents in the present M.A.

3. In the circumstances, issue fresh notices to the respondents in the present M.A., returnable on 12.10.2020.

4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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**M.A. 118/2020 IN
O.A. ST. 222/2020**

6. 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.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

9. S.O. to 12.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A. 162/2020 IN O.A. ST. 522/2020
(Sandu Y. Dongre Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 3.9.2020

ORAL ORDER :

Shri S.B. Jadhav, learned Advocate for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer seeks time to file affidavit in reply of respondent nos. 1 to 4 in the M.A. Time granted.

3. In the circumstances, S.O. to 8.10.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.9.2020