IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

MISC. APPLICATION NO.122 OF 2016
IN
ORIGINAL APPLICATION NO.270 OF 2016

DISTRICT : MUMBAI

Shri Ashwini Jaywant More.)**...Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)**...Respondents**

Shri C.T. Chandratre, Advocate for Applicant.
Ms. N.G. Gohad, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 30.06.2016

O R D E R

1. This is an application for condonation of delay in bringing the Original Application (OA) to question two orders dated 3.12.2007 and 11.7.2013 respectively. On the face of it, the delay worked out eight years and three

months and two years and eight months respectively. However, as the discussion progresses, it would become clear that the only course of action that needs to be adopted in the interest of justice is to either hold that there is no delay or even if the delay was there, then regardless of the duration thereof, the same will have to be condoned.

2. I have perused the record and proceedings and heard Mr. C.T. Chandratre, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

3. The Applicant came to be appointed as Clerk-Typist on compassionate ground on17.8.2005. That was apparently as per the G.R. of 23rd August, 1996. It was imperative for him to clear Typing Examination within two years of his appointment. It appears that the Applicant could not clear the said Examination within the period of two years. On 29th November, 2007, he sought extension of time vide a communication at Exh. 'A-1' (Page 8 of the paper book). The said request was apparently turned down and by an order of 3rd December, 2007 (Exh. 'A-2', Page 10 of the paper book), the Applicant came to be terminated. By an order of 5th December, 2007, the Applicant came to be appointed in the same Department in Group 'D' post (Peon). The said order is at Exh. 'A-3' (Page

11 of the paper book). The next Exhibit is Exh. 'A-4', dated 12.9.2008 (Page 12 of the paper book) whereby the Applicant addressed a communication to Additional Chief Secretary, Planning wherein he made a request as well as grievance that even as request for extension to clear the examination made by Ms. Vaishali Kalelkar was granted, his similar request was turned down. By another communication of 28th July, 2009 (Exh. 'A-5', Page 17 of the paper book), the Applicant relies upon some kind of an order-cum-communication made by the Joint Secretary, Home by which order, one Mrs. Shilpa S. Bhingadeve was given extension of six months to submit her Typing Examination Certificate.

4. At Exh. 'A-6' (Page 18 onwards of the paper book), there is a document of 6.4.2010 which is the extract of minutes of the meeting of High Powered Committee of Secretaries under the Chief Secretary and perusal of Serial Nos. 4 to 5 would show that a Peon Shri A.J. More of Planning Department was given appointment retrospectively to the post of Clerk-Typist. At Serial No.5, one Shri S.M. Patade, Clerk-Typist was given one more chance to clear the Typing Examination after he was already appointed to that post. Exhibit 'A-7' (Page 21 of the paper book) is the formal Office Order of Shri More's promotion. Vide Exh. 'A-8' dated 18.11.2011, the

Applicant addressed a communication (Page 23 of the paper book) to the Chief Secretary and the Chairman of the Committee of Senior Secretaries wherein he tried to ventilate his grievance by informing that he had since cleared the Typing Examination though after the time limit fixed, his request for one year's extension was rejected. But his application for the purpose was not even properly submitted to the G.A.D. That was because although GAD had accepted his request, but it was rejected by Planning Department. He then concluded his communication by pointing out as to how he stood to lose in long run including the pensionary benefits, if his request was not granted.

5. At Exh. 'A-9' (Page 24 of the paper book), there are Office Notings from GAD in respect of one Shri R.P. Naik, Clerk-Typist, Registry of Finance Department. There, it was inter-alia mentioned that the said Shri Naik did not clear the Typing Examination through inadvertence (अनावधानाने करण्यात आलेली नाही). The said document concluded by mentioning that a'la the present Applicant Shri Naik also was appointed on compassionate ground, and therefore, taking into consideration the G.R. of 8.9.1997, his case deserved to be revised favourably.

6. I shall proceed further presently with other documents, but even at this stage, it must be emphasized that the case of Shri Naik and the present Applicant is exactly the same and one is left completely perplexed as to how and why the Applicant should have been the recipient of a rough age of the official stick. If this is not hostile discrimination, one does not know what hostile discrimination in actual terms would be.

7. Returning to the other documents at Exh. 'A-11', there is a copy of the Minutes of the Meeting of High Powered Secretaries under the Chief Secretary dated 26th June, 2014. The significant aspect of the matter is that one Ms. Havina Vigas was granted extension of time to submit the Typing Examination Certificate and one Shri O.Y. Deshpande got condonation by the belated presentation of his similar Certificate. A formal copy of the Order of Shri Deshpande is there on record. At Exh. 'A-12' (Page 34 of the paper book), there is an extract of a similar meeting like the last one wherein one Smt. Kshirsath was the recipient of the official grace when the delay in presentation of the said Certificate was condoned and one Shri Ranpise was given one more extension to do so. Office Orders in their case are to be found at Pages 37 & 38. At Exh. 'A-13' (Page 39 of the paper book), there is an extract of a similar meeting of High Powered Secretaries under the

Chief Secretary dated 27th August, 2015 whereby one Shri Vijay R. Yadav received the benediction of condonation of delay of one month and 25 days in submitting his Typing Certificate. The official Order in that behalf is at Page 43.

8. The Respondents in their Affidavit-in-reply have annexed a copy of the Order dated 29th January, 2011 (Exh. 'R-7') which shows that by an Order dated 29th January, 2011, the Applicant came to be promoted to Group 'C' from the quota reserved for the promotees from Group 'D'. It is, therefore, clear that at least w.e.f. January, 2011, the Applicant is a Group 'C' employee but then, if the things are such as they are, then he obviously loses in terms of the duration of time which has elapsed and in case, he was treated alike as several other similarly placed, he would have gained in several respects including but not only in seniority.

9. The Applicant vide the communication of 25.10.2011 which has apparently been submitted by the Respondents, addressed a communication to the Minister of State for Social Justice setting out the gist of all the facts stated hereinabove including as to how the other similarly placed like him were given benefit while he was deprived thereof. A grievance was made of hostile discrimination.

10. In the meanwhile, the Applicant had moved another OA being OA St. No.746/2014 wherein he took out MA 438/2014. The said proceeding came up before me on 3rd December, 2015 wherein I made the following order.

> "Heard the Applicant with Shri C.T. Chandratre, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
>
> Though the mater came to be debated for some time, it came about that best course of action would be for the applicant to withdraw this M.A. and consequently the OA which is yet to be registered as well with leave to file fresh one on the same cause of action.
>
> The applicant is accordingly allowed to withdraw the M.A. and O.A.St.No.746/2014 with leave to file afresh one on the same cause of action is granted. No order as to costs."

11. The purpose of a detailed discussion based on documents even in this application for condonation of delay must have become quite clear by now. Examining the facts of this matter even on the elementary traditional tenet of law of limitation, it is very clear that the Applicant

in the first place had been making representations but they were not so many as to be assailed as pointless representations of flogging a dead horse. Further, no concrete decision was ever taken on his representations, and therefore, none was conveyed to him. It is most pertinent to note that one clear segment of his representation has been that while others so similarly placed as he was were treated with kid glows, he was hit hard, and therefore, he complained and in my view, quite justifiably of hostile discrimination. The above discussion must have made this conclusion axiomatic without there being any need to elaborate on this aspect of the matter. Needless to say that if a case of the official Respondents fails on the anvil of discrimination, then no other consideration except to act in accordance with the constitutional mandate should weigh with judicial fora. Had it been, so that a concrete, categorical and clear stand was taken by the Respondents for good reasons to justify their action against the Applicant in the context of several other similarly placed employees that would have been a different matter, but here the Respondents obviously in this respect adopted the policy of defeaning silence which is an anathema to a process informed by the constitutional mandate as well as the justice aspect of the matter. That being the state of affairs, to me, it is very clear that in the

sense the word, "cause of action" is understood in the realm of law of limitation, the time did not even begin to run against the Applicant, and therefore, with a fair degree of justification, it can be said that this may be a case of no delay and to buttress this conclusion, my own order in the earlier OA and the facts and circumstances discussed hereinabove would make it quite clear that the case of the Applicant cannot be said to be suffering from the kind of the vice that the learned CPO envisaged. Therefore, I have no hesitation in entering a finding that in the first place, there is no delay but assuming there was delay regardless of its duration, the above discussion must have made the whole thing clear that this is an instance of complete helplessness of the Applicant, and therefore, this matter qualifies on the anvil of sufficiency of cause and the delay will have to be condoned.

12. I may only note one authority from amongst several cited by Mr. Chandratre, the learned Advocate for the Applicant to guide me in so far as the principles governing this branch of law is concerned and that authority is **Collector, Land Acquisition, Anantnag and another Vs. Mst. Katiji & others, AIR 1987 SC 1353**. I have also carefully perused the other judgments cited by Mr. Chandratre and sought guidance therefrom and applied its principles hereto.

13. The learned CPO Shri Rajpurohit referred me to **Naresh Kumar Vs. Department of Automic Energy & Ors., (2010) 7 SCC 525**. Although the learned CPO laid particular emphasis on the observations of the Apex Court in the penultimate Paragraph of that judgment which lays down *inter-alia* that just because the case of the party was forwarded by the Department for favourable consideration that would not give any vested right in favour of the said party. It was then observed in effect by Their Lordships that if an employee kept making representation after representation despite their rejection, then no right could be claimed on that ground. Now, in the first place, I find that the present Applicant cannot be assailed for what the Petitioner before the Hon'ble Supreme Court could be assailed of. I must repeat times out of number that here in this matter, no clear rejection of the case of the Applicant was made and I do not think that the mandate of the Hon'ble Supreme Court is that an employee should infer rejection when none is actually there. Further, while the case of the Applicant remained pending, the officials of the higher echeleons recommended and ultimately promoted to the Applicant. Therefore, it is not possible to successfully argue that the present Applicant was guilty of making fruitless frequent representations.

14. Further, the facts in **Naresh Kumar** (supra) were such that the Petitioner was transferred thrice from one to the other Office. He once exercised his option vis-à-vis his pensionary benefits and then probably resuming as to which was more beneficial to him, he requested for change of the option. He was repeatedly informed even in his third spell of service that his request could not be considered. His request was several times considered and re-considered and rejected. He then made a Writ Petition before the Hon'ble High Court. Their Lordships were pleased to find that there was unexplained delay of eight years which in the context was inordinate. It was found by the Hon'ble High Court that if the representations made by the Petitioner were held in juxtaposition to the Writ Petition, it would be found that the relief sought in both were inconsistent and in fact, different. Most pertinently, Their Lordships were pleased to find that the concerned employer Corporation was consistent in following the Rules and that was done uniformally in case of all the employees. Now it is here that the case of the present Respondents in this OA is found to be completely wanting and I need not repeat all over again whatever I have already discussed in extenso based on the circumstances emanating from the record about the hostile discrimination that the Applicant was treated with.

15. Therefore, examine it from any angle and the conclusion is inevitable that either there is no delay or even if delay was there, not only it can be but it must be condoned. The Misc. Application, is therefore, allowed. It is held that there is no delay and even if the delay was there, regardless of its duration, it is hereby condoned. The Original Application has already been registered somehow. The Office and the Applicant are directed to process the same now in usual manner. This Misc. Application is allowed in these terms with no order as to costs.

Sd/-
30.6.16

(R.B. Malik)
Member-J
30.06.2016

Mumbai
Date : 30.06.2016
Dictation taken by :
S.K. Wamanse.
E:\SANJAY WAMANSE\JUDGMENTS\2016\6 June, 2016\M.A.122.16 in O.A.270.16.W.6.2016.doc

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 586 OF 2016

DISTRICT : THANE

Dr S.S Chappalwar)...**Applicant**

Versus

The State of Maharashtra & Ors)...**Respondents**

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

Ms Neelima Goha, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 30.06.2016

O R D E R

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

2. This matter was first heard on 22.6.2016. The issue is regarding eligibility of the Applicant who belongs to S.T category and who has been selected for Post Graduate Degree / Diploma course as an in-service candidate for the Diploma in Gynecology and Obstetrics for the year 2016. Learned Advocate for the Applicant Shri Bandiwadekar pressed for interim relief staying the order of the Director of Public Health disqualifying the Applicant

for admission to aforementioned course on the ground that a D.E was pending against him and as per G.R dated 3.5.2011 a person against whom a D.E is pending is not eligible to apply for the said Course as a in-service candidate, is based on incorrect facts. The argument put forward on behalf of the Applicant was that a memorandum for the D.E was issued to him on 12.10.2015. The charges against the Applicant are of minor nature and without admitting them the Applicant is willing to deposit the amount of financial irregularities alleged against him. Though the Applicant has submitted his reply to the memorandum of charrges, no decision in this regard has been taken by the Respondent no. 2, though more than six months have lapsed. The other argument put forth on behalf of the Applicant was that he was allowed to appear for the selection process and has qualified for such in-service admission to the aforementioned course on the basis of his performance in the selection process and now, the Respondents are estopped from blocking his selection. After the Applicant has qualified in the selection process for the aforementioned course, it is incorrect to declare him disqualified on the basis of an old enquiry on minor charges to which he has adequately replied.

3. The other issue which was subsequently raised was regarding the statutory reservation for S.C, S.T, OBC etc. in admission in educational institutions. After the disqualification of the Applicant, the post which was reserved for S.T candidate has since been offered to a candidate belonging to S.C category, which according to Learned Advocate Shri Bandiwadekar is totally illegal.

4. The Respondents were directed to file an affidavit explaining the legal position in this regard within a day and the case was adjourned to 23.6.2016. On that day some sort of affidavit was filed, but the legal position is to what happens if a

seat reserved for a particular vertical reserved category candidate is not filled in absence of suitable candidate from that category, can it be filled from other vertical reserved category candidate. For example, if a seat which was reserved for S.T category and no suitable candidate is available, what would have happened to that seat? The Respondents were directed to place on record G.R/Circular in this regard. The case was then adjourned to 27.6.2016. On 27.6.2016 also no affidavit was filed. Only copy of brochure of PGM/PGD-CET 2016 has been placed on record. In para 7 of the Annexure-C of the brochure, a grouping of reserved category have been shown. There are three groups, viz. (1) S.C & S.T, (2) DT (A) & NT (B) and (3) NT(C), NT(D) and OBC including SBC. On what basis this grouping has been done is not clear. It is also mentioned that admission under Constitutional reserved seats will be governed by Maharashtra Schedule Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act 2000. (Mah. Act No. XXIII of 2001). This Act is regarding issuance of Caste Certificate to various Backward Class candidates, and also deals with and the consequences for submitting false or incorrect Caste Certificates. In absence of any G.R/Circular placed on record by the Respondents, it will have to be presumed that the reservation for in-service candidate will be as per the Maharashtra State Public Services Reservation for Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 even for deputation to educational institutions for PGM/PGD-CET 2016 courses..

5. Learned Advocate Shri Bandiwadekar contends that if a candidate belonging to S.T category is not available that seat

cannot be offered to any candidate belonging to other B.C category, on the analogy of the provisions in the Act of 2001 wherein a seat is to be kept vacant for five years in case of direct recruitment and 3 years for promotion. He has also relied on G.R dated 5.12.1994 in this regard, which also has a similar provision.

6. This Tribunal has been trying to ascertain from the Respondents about the extant instructions about reservation in educational institutions which may be termed as educational institutions under the control of the State Government.

7. Learned Presenting Officer on instructions from Shri Sunil R. Bhosale, Joint Director, in the office of Director of Health Services, stated that the officers from Directorate have inquired from Director, Medical Education and Research, Department of Education & Department of Social Welfare and the only instructions they could lay their hand upon are Maharashtra Ordinance No. V of 2006, which is at Ex.R-1, to their affidavit in reply dated 30.6.2016. In short the contention of the Respondents appears to be that there are no formal orders issued by any department of the Government regarding reservation for S.C, S.T, OBC etc. in Maharashtra, in educational institutions, except the aforesaid Ordinance. This Ordinance is applicable only to the Private Professional Educational Institutions and obviously it has no application to the Publicly Funded Medical Colleges, like B.J. Medical College, Pune, which is subject matter of the present O.A.

8. Two issues have been raised in this Original Application, viz: (i) whether a seat reserved for a particular vertical reserved category can be given to another vertical reserved category if so, what is the legal authority. The Respondents have not been able to produce any G.R or law permitting such a course of action.

Only legal support for such appointment according to them is provided in Annexure-C of the broucher issued by the Commissioner, Common Entrance Test Cell, Mumbai for PGM/PGD-CET 2016, where clause 7 has three groups of persons belonging to B.C.

7(a) provides that the seats remaining vacant from various categories will be filled in from amongst the candidates of their respective group. The following groups are provided:-

Group-I	Percentage
(i) S.C and S.C converted to Buddhism (SC)	13%
(ii) S.T including those living outside specified area (ST)	7%
Group-II	
(i) Vimukta Jai (DT) (A)	3%
(ii) Nomadic Tribes (NT-1(B))	2.5%
Group-III	
(i) Nomadic Tribe (NT2 (C))	3.5%
(ii) Nomadic Tribes (NT3 (D))	2%
(iii) Other Backward Classes (OBC) including SBC	19%

10. The legal authority of this provision is not forthcoming from the Respondents, i.e. the Respondents are not able to point out any Act or G.R which permits such grouping of Backward Castes. Obviously the Commissioner, CET Cell, Mumbai, who is not Government, as defined or understood under the Constitutional Scheme of things, will have no authority to issue any such instructions regarding reservation in educational institution for various B.C communities. There is another factor which has to be taken into account. These seats are allotted to the person who are working in the Government and are Government servants and as such elements of reservation as applicable to Government servants can be said to be applicable in such cases also. In absence of any other instructions, as claimed by the Respondents, reliance may be

placed on G.R dated 5.12.1994 regarding reservation in Government posts. As the person selected for Post Graduate course in Medical stream will be Government servants, who will be on deputation during the duration of the course, it is clear they are being posted to these courses in their capacity as Government servants. This G.R dated 5.12.1994 does not permit filling up a post reserved for a particular vertical reserved category by person belonging to any other reserved category for five years. The action of the Respondents in trying to fill up the post, which is by way of deputation for P.G courses, reserved for S.T candidate by a candidate belonging to any other category appears to be in violation of G.R dated 5.12.1994.

11. There is another issue which has been raised by the Applicant regarding the pendency of the Disciplinary proceedings against him. It is true that G.R dated 3.12.2011 regarding in-service Medical Officer deputed to P.G courses, provides that if a D.E is pending against a Medical Officer he should not be eligible for being selected for Post Graduate course. In the present case, the Applicant is facing a D.E, but he was allowed to appear for the selection process in which he was selected. The charge sheet issued to the Applicant by memorandum dated 12.10.2015 is pertaining to the incidents which happened in 2011-12. Charge no. 1 is regarding purchase amounting to Rs. 12,221/- without taking administrative approval and without obtaining quotation. Another charge is purchase of some medicines amounting to Rs. 8012/-, which was purchased without following the procedure like purchasing them from Local Self Government, recognized firms. In short both the charges appear to be regarding procedural irregularities and prima facie do not appear to involve moral turpitude. Some preliminary enquiry reports about these charges was received by the Respondents which tend to show that the

charges against the Applicant are not so serious. The Applicant has submitted his reply to the memorandum of D.E to the Respondent no. 2, who was expected to take early decision in the matter. Whether such minor charges should come in the way of the Applicant in pursuing his higher studies which may adversely affect his future career is the moot question. Considering the fact that the Applicant belong to S.T category and no other person from that category is selected for Post Graduate Programme, if such a situation is allowed to persist, this will definitely be highly prejudicial to him.

12. Learned Advocate Shri Bandiwadekar has placed material before me to show that the notice of these proceedings was sent to the added Respondent no. 3 on his email and it has been received by him. According to Shri Bandiwadekar the Applicant has personally spoken to him and it has been confirmed by him that the Respondent no. 3 has received the notice. It appears that the notice has been received by him, but he is not present before this Tribunal.

13. Having regard to the facts mentioned hereinabove, I am of the opinion that the Applicant is entitled to interim relief. The order dated 30.5.2016 passed by Respondent no. 1 is hereby stayed and the Applicant is allowed to join Post Graduate Diploma course for the year 2016-17 subject to the final outcome of the O.A. Hamdast.

14. S.O to 14.7.2016

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 30.06.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st June 2016\O.A 586.16 Cancellation of admisison DB.0616 Int order.doc

(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.212/2016

Shri M.B. Sonawane ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant, Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents 1 & 2 and Ms. S.P. Manchekar, the learned Advocate for Respondent No.3.

The learned C.P.O. presents on record a copy of the order dated 18th June, 2016 whereby the Respondent No.3 has apparently been promoted as Principal, Institute of Nursing Education. The same is taken on record. There is some debate at the Bar as to whether the cause of action for this OA to survive. Shri Bandiwadekar insists ~~as~~ it does. The pleadings are complete. The OA is admitted and the same is set down for final hearing making it clear that if the Sur-rejoinder has to be filed, it must be filed ~~before~~ the next date and not thereafter.

S.O. to 14th July, 2016.

Sd/-
(R.B. Malik)
Member (J)
30.06.2016

(skw)

DATE: 30/6/16

~~(Chairman)~~ R.B. Malik (A)

A.V. Bandiwadekar

N.K. Rajpurohit ..... R. 1 & 2.

Miss S.P. Manchekar for R.3.

~~Adj to~~ Admit

S.O. 14/7/16.

[P.T.O.

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

M.A.324/2015 in O.A.395/2015

Shri G.R. Kamble & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri V.P. Potbhare, the learned Advocate for the Applicants, Smt. K.S. Gaikwad, the learned Chief Presenting Officer for the Respondents and Shri D.B. Khaire, the learned Advocate for the original Applicants.

The Applicants hereof seek impleadment of party Respondents. I need not express any opinion about the merit of the OA itself. However, broadly so speaking, it may be mentioned that as a result of bifurcation of P.W.D.(Electrical) and the ensuing separation, the original Applicants are aggrieved thereby while the Applicants of this application are in support of the same. The Applicants hereof seek impleadment as party Respondents and in the facts stated just now, it cannot be said that they are not even proper parties and hence, the application is allowed. The Applicants of MA 324/2015 be impleaded as party Respondents by an appropriate amendment to be carried by the original Applicants within a period of three weeks from today. A consolidated copy of the OA after amendment be filed and the copy thereof be furnished to the learned P.O. and the newly added Respondents be also furnished with the amended OA. This MA is accordingly allowed with no order as to costs and the OA stands adjourned for Affidavit-in-reply to 18th August, 2016.

Sd/-

(R.B. Malik)
Member (J)
30.06.2016

(skw)

DATE : 30/6/16
COR :
~~Hon'ble Shri A. P. Joshi (Chairman)~~
Hon'ble Shri R. B. Malik (Member) A
V.P. Patbhare
K.S. Gaikwad
C.P.O. / P.O. for the Respondent/s
Shri D.B. Khaire for appl. O.A.395/15
Adj. To..... M.A. is allowed.....

(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.292/2016

Shri L.V. Paskauti ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Reply taken on record. Shri Bandiwadekar informs that the Applicant does not want to file Rejoinder. Admit. Liberty to mention is granted.

Sd/-

(R.B. Malik)
Member (J)
30.06.2016

(skw)

DATE : 30/6/16

R.B. Malik (Chairman)
(Member) A J

G.A Bandiwadekar

N.K. Rajpurohit

Adj. To.....Admit. Liberty to mention is granted.

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	O.A.133/2016 **Shri S.N. Waghmode & Ors. ... Applicants** **Vs.** **The State of Mah. & ors. ... Respondents** Heard Shri N.D. Batule, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned CPO holding for Ms. N.G. Gohad, the learned Presenting Officer for the Respondents. The learned CPO seeks adjournment to file reply. Last chance was already given on 9.6.2016. The matter is now set down for Affidavit-in-reply to 21st July, 2016. It is made clear that regardless of whether the reply is filed or not, the matter will proceed further without reply. S.O. to 21st July, 2016. Sd/- (R.B. Malik) Member (J) 30.06.2016 (skw)
30/6/16 (Chairman) R.B. Malik H.D. Batule H.K. Rajpurohit Adj. To 21/7/16.	

[P.T.O.

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

O.A.630/2016

Dr. U.K. Agawane ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Issue notice returnable on 21.07.2016.

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 21st July, 2016. The learned C.P.O. do waive service. Liberty reserved for seeking interim relief.

Sd/-
(R.B. Malik)
Member (J)
30.06.2016

(skw)

DATE: 30/6/16
CORAM:
Hon'ble Shri J. Iqbal (Chairman)
Hon'ble Shri R.B. Malik (Member)A
Shri B.A. Bandiwadekar
Advocate for Applicant
Shri N.K. Rajpurohit
C.P.O. / P.O. for Respondent/s

Adj. To 21/7/16

TINUATION SHEET NO.

Tribunal's orders

30.06.2016

O.A No 607/2016

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

1. Heard Shri S.S Dere, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 7.7.2016.

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 7.7.2016. Learned C.P.O waives service of notice

Sd/-
(Rajiv Agarwal)
Vice-Chairman

FARAD CONTINUATION SHEET NO.

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

30.06.2016

M.A 220/2016 In O.A No 923/2015

The State of Maharashtra & Ors ... Applicants
(Ori Respondents)

Vs.

Shri B.B Nikam ... Respondent
(Ori. Applicant)

Heard Shri A.J Chougule, learned Presenting Officer for the Applicants (Ori. Respondents and Shri M.D Lonkar, learned advocate for the Respondent (Ori Applicant).

Learned Presenting Officer seeks to withdraw the Misc Application. M.A allowed to be withdrawn and disposed of accordingly.

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 30/6/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ : A. J. chougule P.O.
~~Advocate~~ for the Applicant
Shri ~~Smt.~~ : M. D. Lonkar Adv.
~~C.P.O./P.O.~~ for the Respondents
~~Adj. To~~ : M.A. is allowed to withdrawn and disposed of.

MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

30.06.2016

O.A No 507/2016

Shri H.B Rajage ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Smt Punam Mahajan, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

No affidavit in reply is filed. Last chance is given to the Respondents to file affidavit in reply.

This matter be kept along with other similar matters on 8.7.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 30/6/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ : Ptencem Mahajan
Advocate for the Applicant
~~Shri/Smt.~~ : A.J. Chougule
~~C.P.O~~/ P.O. for the Respondents

~~Adj. To~~ : S.O. to 8/7/16.
alongwith
similar matters.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

30.06.2016

O.A No 514/2016

Shri H.B Rajage ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri V. Kolekar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

Affidavit in reply has been filed. Shri Kolekar states that he does not wish to file affidavit in rejoinder.

O.A is admitted. Place for final hearing on 7.7.2016.

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE : 30/6/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ V. Kolekar
Advocate for the Applicant
Shri/Smt. A. J. Chougule
~~C.P.O.~~/P.O. for the Respondents

~~Adj. To~~ O.A is admitted.
S.O. to 7/7/16.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 638 OF 2016

DISTRICT : MUMBAI

Shri Jaywant S. Shinde)...**Applicant**

Versus

The State of Maharashtra & Ors)...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicant.

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

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 30.06.2016

O R D E R

1. Heard Smt Punam Mahajan, learned advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. The Applicant is challenging his transfer order dated 24.5.2016 by which he has been transferred from A.C.B Mumbai to Solapur City. Learned Advocate Mrs Mahajan stated that the Applicant has been transferred by the general transfer orders issued by the Respondent no. 3. The Applicant had joined at A.C.B on 26.5.2014 and he is entitled to a tenure of 3 years in a specialized Branch as per Section 22N(1)(e). The Applicant's

transfer is obviously mid-term transfer as defined in Maharashtra Police Act. However, his transfer is treated as general transfer. Learned Advocate Mrs Mahajan also stated that the Applicant has not yet been relieved and as his transfer order has been issued in violation of the provisions of the Maharashtra Police Act, she prayed that interim relief may be granted in this case.

3. Learned Chief Presenting Officer (C.P.O) opposed grant of interim relief. He stated that the order was passed more than five weeks back, on 24.5.2016 and at this stage there is no justification for seeking interim relief. He, however, accepted the fact that the Applicant has not yet been relieved, but though according to him,it is on account of the fact that some work is yet to be completed by the Applicant.

4. It appears that the Applicant's transfer has been issued as a general transfer while it should have been issued, if the authorities wanted to transfer him as a mid-term transfer. There do not appears to be [redacted] adequate reasons as per the Maharashtra Police Act, for his mid-term transfer. It is also a fact that for whatever reasons the Applicant has not yet been relieved from the earlier post.

5. Considering the above facts, interim relief is granted. The Applicant will be allowed to work where he was working before the transfer order was issued, till the disposal of this O.A.

6. Issue notice before admission made returnable on 25.7.2016.

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 25.7.2016. Learned C.P.O waives service of notice

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 30.06.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st June 2016\O.A 638 .16 Transfer order challenged SB.0616.doc

R.A.12/2016 in O.A.1022/2012

Shri C.W. Mane & ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri V.P. Potbhare, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Issue notice returnable on 28.07.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 28th July, 2016. Learned P.O. do waive service.

Sd/-
(R.B. Malik)
Member (J)
30.06.2016

Sd/-
(Rajiv Agarwal)
Vice-Chairman
30.06.2016

(skw)

DATE: 30/6/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
~~Shri/Smt.~~ V.P. Potbhare
Advocate for the Applicant
~~Shri/Smt.~~ Ms. N.G. Gohad
~~C.P.O./~~P.O. for the Respondents
~~Adj. To~~ S.O. to 28/7/16

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

Date : 30.06.2016.

O.A.No.634 of 2016

R.M. Lukade **.... Applicant**

Versus

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

1. Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 10.08.2016.

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

4. Applicant is authorized and directed to serve on 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. Applicant is directed to file Affidavit of compliance and notice.

7. S.O. to 10.08.2016.

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

prk

DATE : 30/6/16
CORAM :
Hon'ble ... (Chairman)
Hon'ble ... (Member) A
A.P. ...
Shri ... V.P. Potbhare
Advocate for Applicant
Shri ... A.J. Chougule
C.P.O. / P.O. for the Respondent/s

Adj. To 10/8/16.

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

Date : 30.06.2016.

O.A.No.635 of 2016

S.D. Jagtap .... **Applicant**

Versus

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

1. Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 10.08.2016.

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

4. Applicant is authorized and directed to serve on 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 póst, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. S.O. to 10.08.2016.

(A.H. Joshi, J.)
Chairman

prk

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh Kumar (Member)~~ A
APPEARANCE :
Shri V.P. Potbhare
Advocate for the Applicant
Shri A.J. Chougule
C.P.O./P.O. for the Respondent/s

Adj. To : 10/8/16

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 30/6/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri ~~Rajeev Agarwal (Member) A~~ APPEARANCE : Shri — B.A. Bandiwadekar Advocate for the Applicant Shri — A.J. Chougule C.P.O. for the Respondents Adj. To 14/7/16.	**Date : 30.06.2016.** **O.A.No.148 of 2015** **R.K. Shirsath .... Applicant** **Versus** **The State of Maharashtra & Ors ....Respondents.** 1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant, Shri A.J. Chougule, the learned Presenting Officer for the Respondent No.1 and Shri M.D. Lonkar, the learned Advocate for Respondent No.2. 2. At the request of learned Advocate Shri B.A. Bandiwadekar for the Applicant, adjourned to 14.07.2016. Sd/- (A.H. Joshi, J.) Chairman prk

[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

Date : 30.06.2016.

O.A.No.556 of 2016

D.A. Jethe & Ors. .... Applicants

Versus

The State of Maharashtra & Ors ....Respondents.

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

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents prays for four weeks time for filing reply.

3. Time as prayed for is granted.

4. It is hoped that each paragraph, point and averment is replied in the affidavit.

5. S.O. to 02.08.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakrishnan (Member) A
APPEARANCE :
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. K.S. Gaikwad
C.P.O./P.O. for the Respondent/s

Adj. To 2/8/16.

[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
DATE: 30/6/16 CORAM: Hon'ble Justice Shri A.H. Joshi (Chairman) ~~Hon'ble Shri [illegible] (Member) A~~ APPLICANT: Shri A.V. Bandiwadekar Advocate for Applicant Shri N.G. Gohad C.P.O. / P.O. for the Respondent/s Adj. To 21/7/16. Hon'ble Chairman	**Date : 30.06.2016.** **O.A.No. 840 of 2015** **Shri S.S.Shelke ..... Applicant** **V/s.** **The State of Maha. & Ors. ..... Respondent** 1. Heard Shri A.V.Bandiwadekar, the learned Advocate for the Applicant and Shri N.G.Gohad, the learned Presenting Officer for the Respondent. 2. Learned P.O. as tendered affidaivit affirmed by Dr. B.K. Upadhyay, Additional Director General of Police on behalf of Respondent No.1. It is taken on record. 3. Learned Advocate A.V. Bandiwadekar prays for time for taking instruction from client as whether to proceed with O.A. or file fresh O.A.. 4. Time as prayed for is granted. 5. S.O. to 21.07.2016. Sd/- (A.H. Joshi, J) Chairman nmn

[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
DATE : 30/6/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramesh Kumar (Member) A~~ APPEARANCE : Shri/Smt. : R.M. Kolge Advocate for the Applicant Shri/Smt. : Archana B.K. C.P.O. for the Respondents Adj. To 12/8/16.	**Date : 30.06.2016.** **O.A.No.152 of 2016** **K.B. Shisav .... Applicant** **Versus** **The State of Maharashtra & Ors ....Respondents.** 1. Heard Shri R.M. Kolge, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents. 2. Learned P.O. Smt. Archana B.K. for the Respondents prays for a week's time for reporting affirmative action on the part of the Respondents. 3. Time as prayed for is granted. 4. S.O. to 12.08.2016. Sd/- (A.H. Joshi, J.) Chairman prk

[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 **Date : 30.06.2016.**

O.A.No.114 of 2016

P.P. Sawant & Ors. **.... Applicants**

Versus

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

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

2. Learned P.O. Shri K.B. Bhise for the Respondents prays for four weeks time for filing reply.

3. Time as prayed for is granted.

4. It is hoped that each paragraph, point and averment is replied in the affidavit.

5. S.O. to 02.08.2016.

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

prk

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri A. Rajasekhar (Member) A~~
APPEARANCE :
Shri/Smt. : B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : K.B. Bhise
C.P.O. / P.O. for the Respondent/s

Adj. To 2/8/16

[P.T.O.

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

Date : 30.06.2016.

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

Shri R.P.Shaikh ..... Applicant

V/s.

The State of Maha. & Ors. ..... Respondents

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

2. Learned Advocate for the Applicant prays for leave to correct typographical error. Leave granted. Correction to be carried out forthwith.

3. Issue notice returnable on 24.08.2016.

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

5. 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.

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 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.

8. S.O. to 24.08.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

nmn

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakumar (Member)-A
APPEARANCE :
Shri/Smt. : S.S. Dere
Advocate for the Applicant
Shri/Smt. : N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 24/8/16.

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 30.06.2016.

O.A.No.185 of 2016

M.P. Sonawane ..... Applicant

V/s.

The State of Maha. & Ors. ..... Respondents

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondent.

2. Learned P.O. is directed to take instructions as to whether assurance contained in paragraph No.9 of the affidavit filed by Shri S.S. Sandhu, Principal Secretary, dated 28.04.2016, has been complied with.

3. Learned P.O. prays for time to secure instructions till 04.07.2016.

4. S.O. to 04.07.2016.

Sd/-

(A.H. Joshi, J.)

Chairman

nmn

DATE : 30/6/16

CORAM :

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

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

(PRESENT) :

Shri A.V. Bandiwadekar

Advocate for the Applicant

Shri A.J. Chougule.....

C.P.O. for the Respondent/s

Adj. To 4/7/16.....

[P.T.O.

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

Date : 30.06.2016.

O.A.No. 938 of 2015

Shri P.R.Jagdale & Ors. ..... Applicants
V/s.
The State of Maha. & Ors. ..... Respondents

2. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

3. Leanred P.O. has tendered affidavit affirmed by Shri K.P. Bakshi, Additional Chief Secretary.

3. The tenor of the Affidavit reveals that the officer affirming it has either failed to apply mind or he is attempting to protect the erring subordinates.

4. If the O.A. was not brought to notice of the Additional Chief Secretary, it was his duty to investigate the matter and state as to who is responsible for this laps. Trying to protect and save his subordinate may be understandable, but when it is done by avoiding to answer as specific question by this Tribunal, it is highly objectionable.

5. This attitude would attract severe strictures apart from order for payment of costs.

6. At this stage learned P.O. prays time to address on the point of cost and strictures.

7. Learned P.O. prays for Steno Copy and Hamdast. It is allowed.

8. S.O. to 04.07.2016.

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

nmn.

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri G. Manoharan (Member) A~~
APPEARANCE :
Shri A.V. Bandiwadekar
Advocate for the Applicants
~~Shri~~ Smt. : Archana B.K.
C.P.O / A.O. for the Respondent/s

Adj. To 4/7/16. Steno Copy & Hamdast allowed.

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

Date : 30.06.2016.

O.A.No. 282 of 2016

Shri S.N.Jadhav ..... Applicant

V/s.

The State of Maha. & Ors. ..... Respondents

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

2 Issue notice returnable on 28.08.2016.

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. S.O. to 28.08.2016.

(A.H. Joshi, J.)
Chairman

nmn

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramesh kumar (Member)~~ A

APPEARANCE :
Shri/Smt. : K.R. Jagdale
Advocate for the Applicant
Shri/Smt. : A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To 28/8/16.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE : 30/6/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramesh~~ (Member) A ADVOCATE : Shri/Smt. M.D. Lonkar Advocate for the Applicant Shri/Smt. K.S. Gaikwad C.P.O. / P.O. for the Respondent/s Admit. Adj. to OA is kept for hearing in due course Liberty to circulate. BJE	Date : 30.06.2016 O.A.No. 16 of 2016 with O.A.No. 17 of 2016 S.N.Gaikwad (O.A.16/16) S.K.Chavan (O.A.17/16) ..... Applicants V/s. The State of Maha.. ..... Respondent 1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondent. 2. Learned P.O. prays for one week's time for filing additional affidavit. 3. Time is granted. Affidaivt to be filed within 2 weeks time. 4. Admit. 5. O.A. is kept for hearing in due course. Liberty to circulate. Sd/- (A.H. Joshi, J.) Chairman nmn

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 District

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri ~~Member~~ A
APPEARANCE :
Shri/Smt. : M.D. Lonkar
Advocate for the Applicant
Shri/Smt. : N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 25/8/16. Steno copy & Hamdast allowed to ld. P.O.

Date : 30.06.2016

O.A.No. 440 of 2016

P.U. Rathod ..... Applicant
V/s.
The State of Maha. & Ors. ..... Respondents

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Heard. Perused the affidavit by Respondents. It is hoped that process and steps to be undertaken by Respondent be completed by eleminatory delays and outcome as may be achieved be reported on next date.

3. Learned P.O. is directed to communicate this order to the Respondents.

4. Steno Copy and Hamdast is allowed to learned P.O..

5. S.O. to 25.08.2016

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

nmn

[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

DATE : 30/6/16

CORAM :

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

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

APPEARANCE :

Shri/Smt. : A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. : K.S. Gaikwad

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

Adj. To 25/8/16.

Date : 30.06.2016.

O.A.No. 336 of 2016

Shri B.R.Rangari ..... Applicant

V/s.

The State of Maha. ..... Respondent

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

2. Learned P.O. Smt. K.S. Gaikwad for the Respondent states as follows :-

(a) Parawise comments are received.

(b) Prays for 2 weeks time to prepare reply.

3. Time as prayed for is granted.

4. It is expected that affidavit-in-reply answering each and every paragraph, point and averment would be filed. Interim relief to be continued.

5. S.O. to 25.08.2016.

(A.H. Joshi, J)
Chairman

nmn

[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
DATE : 30/6/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramesh Kumar (Member) A~~ APPEARANCE : Shri/Smt. : R.M. Kolge holding for C.T. Chandratre Advocate for the Applicant Shri/Smt. : N.G. Gohad C.P.O / P.O. for the Respondent/s Adj. To 8/7/16.	**Date : 30.06.2016** **O.A.No. 09 of 2016** **S.R.S.Munir ..... Applicant** **V/s.** **The State of Maha. & Ors. ..... Respondents** 1. Heard Advocate Shri R.M. Kolge holding for Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents. 2. Leanred Advocate for Applicant prays for time. 3. Time as prayed for is granted. 4. Adjourned to 08.07.2016 Sd/- (A.H. Joshi J.) Chairman nmn

[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

DATE: 30/6/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Kurundkumar (Member) A
APPEARANCE:
Shri A.V. Bandiwadekar
Advocate for the Applicant
Shri Archana B.K.
Chief Presenting Officer for the Respondent/s

Adj. To 7/7/16

Date : 30.06.2016.

O.A.No.713 of 2015 with O.A.No.714 of 2015

K.P.Aghav (O.A.No.713/2015)
K.P. Aghav (O.A.No.714/2015) ..... Applicants
V/s.
The State of Maha. & Ors. ..... Respondents

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

2. Learned P.O. has tendered copy of call records from Jan. 2015 to May 2015 relating to related cell phone numbers, copies thereof is given to learned Advocate of the Applicant.

3. Learned Advocate for the Applicant wants copy of the minutes of PEB in which decision to transfer the applicant was taken. Learned P.O. undertakes to furnish the copy thereof today itself.

4. Learned Advocate for the Applicant prays for one week time.

5. S.O. to 07.07.2016.

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

nmn

[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
DATE : 30/6/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri M. Ramakkumar (Member) A~~ APPEARANCE : Shri/Smt. : A.V. Bandiwadekar Advocate for the Applicant ~~Shri/Smt.~~ : N.G. Gohad C.P.O / P.O. for the Respondent/s Adj. To 14/7/16. BPE	**Date : 30.06.2016.** **O.A.No. 870 of 2015** **Shri M.B.Jare ..... Applicant** **V/s.** **The State of Maha. & Ors. ..... Respondents** 1. Heard Shri A.V.Bandiwadekar, the learneded Advocate for the Applicant and Ms. N.G. Gohad, the learneded Presenting Officer for the Respondents. 2. Learned P.O. states on instructions from Shri Shankar Jagtap, Asst. Commissioner, that review committee is expected to meet on 4th July 2016. 3. As decision may be taken and informed on the next date. 4. S.O. to 14.07.2016 Sd/- **(A.H. Joshi, J.)** **Chairman** nmn

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 30/6/16 CORAM: Hon'ble Justice Shri A.H. Joshi (Chairman) ~~Hon'ble Shri R. Ramanujam (Member)(A)~~ ADVOCATE: for the Applicant ~~A.V. Bandiwadekar~~ Advocate for the Applicant S.C.P./~~A.P.P.~~ A.J. Chougule C.P.O. / ~~A.G.~~ for the Respondent's ~~Adj. to~~ Admit. 30/6	**Date : 30.06.2016.** **O.A.No. 05 of 2016** **Smt. K.V. Dwivedi ..... Applicant** **V/s.** **The State of Maha. & Ors. ..... Respondents** 1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondent. 2. Admit. Sd/- (A.H. Joshi, J.) Chairman nmn

[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

DATE : 30/6/16 DB

CORAM :

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

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

APPEARANCE :

Shri/Smt. C.T. Chandratre

~~Advocate for the Applicant~~

Shri/Smt. D.B. Khaire ld. Counsel

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

Adj. To 23/8/16. steno copy & Hamdast allowed to ld. p.o.

Date : 30.06.2016.

C.A.No.2 of 2015 in O.A.No.170 of 2013

S.N. Kolte .... Applicant.

Versus

The State of Maharashtra & Ors. ....Respondents.

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri D.B. Khaire, the learned Special Counsel with Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned Special Counsel Shri D.B. Khaire for the Contemnors states as follows :-

(a) Part of the order is complied with.

(b) What has remained is payment of arrears and it is hoped that remaining compliance would be done within one month from today.

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

4. In view of this statement, hearing of this C.A. is adjourned to 23.08.2016.

(A.H. Joshi, J.)
Chairman

prk

[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
30/6/16 Coram- Hon'ble Shri A.H. Joshi (Chairman) Shri J.N. Kamble Adv for the applicant. Shri K.B. Bhise P.O. for the Respondents. Adj to 7/7/16.	**Date : 30.06.2016.** **M.A.No.622 of 2015 in O.A.No.1103 of 2015** **V.R. Sakate .... Applicant** **Versus** **The State of Maharashtra & Ors ....Respondents.** 1. Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents. 2. In view that court time is over, adjourned to 07.07.2016. Sd/- (A.H. Joshi, J.) Chairman prk

[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

Date : 30.06.2016.

O.A.No.209 of 2015

R.S. Vichare .... Applicant

Versus

The State of Maharashtra & Ors ....Respondents.

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

2. Learned P.O. Shri A.J. Chougule for the Respondents prays for time for reporting compliance of the order passed by this Tribunal on 27.06.2016.

3. Time as prayed for is granted.

4. Adjourned to 11.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE: 30/6/16
CORAM:
Hon'ble Shri A. H. Joshi (Chairman)
~~Hon'ble Shri A. Hanmanthe (Member) A~~
ADVOCATE:
Shri/Smt. A.R. Joshi
Advocate for Applicant
Shri/Smt. A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To 11/7/16.

[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
DATE : 30/6/16 CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) ~~Hon'ble Shri R. Ramesh Kumar (Member) A~~ APPEARANCE : Shri/~~Smt.~~ : K.R. Jagdale Advocate for the Applicant Shri/~~Smt.~~ : N.K. Rajpurohit C.P.O / P.O. for the Respondent/s Adj. To 22/7/16. BHE	**Date : 30.06.2016.** **O.A.No.998 of 2015** **K.A. Kedar .... Applicant** **Versus** **The State of Maharashtra & Ors ....Respondents.** 1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents. 2. Learned Advocate Shri K.R. Jagdale for the Applicant prays for leave to amend by substitution of entire O.A. paper book. 3. Leave to amend by way of substitution as prayed for is granted. 4. Learned Advocate Shri K.R. Jagdale undertakes to carry out the substitution within two weeks. 5. Time as prayed for is granted. 6. S.O. to 22.07.2016. Sd/- (A.H. Joshi, J.) Chairman prk

[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 Date : 30.06.2016.
	M.A.No.104 of 2016 in C.A.No.16 of 2016 in O.A.No.78 of 2014 (Aurangabad) (M.A.No.419 of 2015 with C.P.St.1572 of 2015) with M.A.No.105 of 2016 in O.A.No.78 of 2014 (Aurangabad) **The Bhujal Abhiyanta Sanghtana Maharashtra Rajya. .... Applicant** **Versus** **The State of Maharashtra & Ors ....Respondents.** 1. Heard Shri A.V. Sakolkar, the learned Advocate holding for Shri V.B. Wagh, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. Learned P.O. Smt. K.S. Gaikwad for the Respondents has tendered affidavit. It is taken on record. 3. For reporting further compliance hearing is adjourned to 02.08.2016. Sd/- (A.H. Joshi, J.) Chairman prk

DATE : 30/6/16
CORAM :
Hon'ble Shri A. H. Joshi (Chairman)
~~Hon'ble Shri Rajeev Kumar (Member) A~~
APPEARANCE :
Shri/Smt. A.V. Sakolkar ld. adv. holding for V.B. Wagh Advocate for the Applicant
Shri/Smt. K.S. Gaikwad C.P.O. / P.O. for the Respondent/s

Adj. To. 2/8/16.

[P.T.O.

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

Date : 30.06.2016.

O.A.No.656 of 2015

D.A. Puranik **.... Applicant**

Versus

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

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

2. Learned Advocate Shri A.R. Joshi for the Applicant prays for leave to amend for incorporating the averment containing challenge to the qualification prescribed in Recruitment Rules, on the ground that Post graduation "Nero Psychology or Clinical Psychology" which are prescribed as essential qualifications are not available in any of the Universities in Maharashtra.

3. Learned Advocate Shri A.R. Joshi further states that if leave to amend is allowed he would carry out the same within one week.

4. Leave to amend and time as prayed for is granted. Amendment copy be served upon the Respondents.

5. S.O. to 11.07.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. : A.R. Joshi
Advocate for the Applicant
Shri/Smt. : A.J. Chougule
C.P.O. / P.O. for the Respondents

Adj. To 11/7/16

(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 ar directions and Registrar's orders	Tribunal's orders

Date : 30.06.2016.

C.A.No.42 of 2016 in O.A.No.1092 of 2013 with O.A.No.1031 of 2013

P.S. Mahamuni & Ors. .... Applicants

Versus

The State of Maharashtra & Ors ....Respondents.

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

2. Learned P.O. Smt. Archana B.K. for the Respondents states that the order passed by this Tribunal is fully complied with.

3. The documents showing compliance are delivered to learned Advocate Shri R.M. Kolge for the Applicants.

4. Learned Advocate Shri R.M. Kolge prays for time to study the papers and make statement on the next date, if any compliance is deficient.

5. S.O. to 18.07.2016

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member)~~ A
APPEARANCE :
Shri : R.M. Kolge
Advocate for the Applicant
Shri/Smt. : Archana B.K.
C.P.O. / P.O. for the Respondent/s

Adj. To 18/7/16.

[P.T.O.

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

Date : 30.06.2016.

O.A.No.596 of 2015

R.D. Sonawale **.... Applicant.**

Versus

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

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

2. In the midst of hearing, it has transpired that case turns out to be that of failure of the applicant to disclose true and correct information that the applicant was named as accused in his information report.

3. According to the applicant, notwithstanding the fact of said non-disclosure the Government is considering the case of few similarly situated persons for appointment. If that be so applicant should consider whether to pursue Original Application.

4. At this stage, learned Advocate Shri S.S. Dere for the Applicant prays for time to take instructions from the Applicant whether to withdraw the O.A. or suffer an order.

5. Time as prayed for is granted.

6. S.O. to 04.07.2016.

(A.H. Joshi, J.)
Chairman

prk

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Manoharan (Member) A~~
APPEARANCE :
Shri/Smt. S.S. Dere
Advocate for the Applicant
~~Shri/Smt.~~ N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To 4/7/16.

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

Date : 30.06.2016.

C.A.No.155 of 2014 in O.A.No.107 of 2014

P.R. Phulpagar .... Applicant.

Versus

The State of Maharashtra & Ors ....Respondents.

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

2. Learned P.O. Smt. Archana B.K. for the Respondents has tendered the copy of order dated 01.03.2016. It is taken on record.

3. It is seen that the order was passed by the Tribunal on 17.09.2014. It was to be complied within one month. In the background that order is compiled almost after two years and without giving due effect thereto, the Contemnor is directed to remain present on the next date.

4. Personal attendance of the Contemnor on next date can be dismissed if the order showing total compliance of the Tribunal's order is shown, and a request for exemption is made.

5. Learned P.O. is directed to communicate this order to the Respondents.

6. Steno copy and Hamdast is allowed to learned P.O..

7. S.O. to 08.08.2016.

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

prk

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri (M) Rama Subburaj (Member) A~~
APPEARANCE :
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. Archana B.K..
~~G.P.O~~ / P.O. for the Respondent/s

Adj. To 8/8/16. steno copy & Hamdast allowed to Ld.P.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

Date : 30.06.2016.

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

R.T. Patil .... Applicant.

Versus

The State of Maharashtra & Ors ....Respondents.

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri D.B. Khaire, the learned Special Counsel for the Respondents.

2. Learned Special Counsel Shri D.B. Khaire, for the Contemnors states that four weeks time may be granted for reporting compliance of the order.

3. In view of the foregoing, adjourned to 01.08.2016.

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

prk

DATE : 30/6/16 DLB
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramachandran (Member) A~~
APPEARANCE :
Shri/Smt. C.T. Chandratre
~~Advocate for the Applicant~~
Shri/Smt. P.B. Khaire ld. counsel
~~CHO~~ for the Respondent/s

Adj. To.....1/8/16.....
BRE

[P.T.O.

(G.C.P.) J 2260 (A) (50,000—2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.655/2015

Shri D.L. Anuse ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

The learned P.O. initially was not instructed by anybody. The Officer Shri Abhay Jage, Motor Vehicles Prosecutor, Traffic Control Office has now entered the Court Room after the issue today was substantially heard. As of today, we may only mention that we are not at all getting the kind of assistance from the Respondent No.4. We are, therefore, quite disappointed with the same and we direct the Commissioner of Transport to personally remain present before this Bench on the next date. We also make it clear that if the said authority defaults upon this compliance, serious action shall follow. In the meanwhile, we have taken on record a communication of 3rd June, 2016 from the Government in Home Department to Transport Commissioner.

Adjourned to 5th July, 2016. Hamdast.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
30.06.2016 30.06.2016

(skw)

DATE : 30/6/16
CORAM :
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE :
~~Shri/Smt.~~ : Punam Mahajan
Advocate for the Applicant
~~Shri/Smt.~~ : K.S. Gaikwad.
~~C.P.O.~~ P.O. for the Respondents

Adj to 5/7/16.
Hamdast.

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.655/2015

Shri D.L. Anuse ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

The learned P.O. initially was not instructed by anybody. The Officer Shri Abhay Jage, Motor Vehicles Prosecutor, Traffic Control Office has now entered the Court Room after the issue today was substantially heard. As of today, we may only mention that we are not at all getting the kind of assistance from the Respondent No.4. We are, therefore, quite disappointed with the same and we direct the Commissioner of Transport to personally remain present before this Bench on the next date. We also make it clear that if the said authority defaults upon this compliance, serious action shall follow. In the meanwhile, we have taken on record a communication of 3rd June, 2016 from the Government in Home Department to Transport Commissioner.

Adjourned to 5th July, 2016. Hamdast.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
30.06.2016 30.06.2016

(skw)

DATE: 30/6/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member)
APPEARANCE:
Shri/Smt.: Punam Mahajan
Advocate for the Applicant
Shri/Smt.: K. S. Gaikwad.
C.P.O./P.O. for the Respondents
Adj to 5/7/16.
Hamdast.

P.T.O.

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

M.A.228/2016 in R.A.15/2016 in O.A.837/2014

Smt. R.D Pethkar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri V.P. Potbhare holding for Shri S.S. Dere, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Issue notice returnable on 28.07.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 28th July, 2016. Learned P.O. do waive service.

Sd/- Sd/-

(R.B. Malik) (Rajiv Agarwal)
Member (J) Vice-Chairman
30.06.2016 30.06.2016

(skw)

DATE: 30/6/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt.: V.P. Potbhare holding for S.S. Dere
Advocate for the Applicant
Shri/Smt. Ms. N.G. Gohad
C.P.O./P.O. for the Respondents
Adj. to S.O. to 28/7/16.

(G.O.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Date : 30.06.2016

O.A.No. 342 of 2016

Shri P.L.Hotkar **..... Applicant**

V/s.

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

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

2. Learned C.P.O. as tendered Reply. It is taken on record. Interim Relief to be continued.

3. Learned Advocate for the Applicant pointed out that affidavit is filed by Resp. Nos. 1,2 & 5, while officer who has passed impunged order i.e. the Respondent No. 4 has not filed affidavit. It is seen that affidavit is drafted by Shri N.K.Rajpurohit, Chief Presenting Officer for enabling this Tribunal to know the point of view of Shri Rajpurohit learneded C.P.O., Adjourned to 01.07.2016.

(A.H. Joshi, J.)
Chairman

nmn

DATE : 30/6/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri [illegible] (Member) A~~
APPEARANCE :
Shri/Smt. A.V.Bandiwadekar
Advocate for the Applicant
Shri/Smt. N.K. Rajpurohit
C.P.O./P.O. for the Respondent/s
Adj. To 1/7/16

[P.T.O.

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 30/6/16 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakrishna (Member) A APPEARANCE: Shri A.S. Gadre Advocate for the Applicant Shri A.J. Chougule C.P.O / P.O. for the Respondent/s M.A is allowed JE	**Date : 30.06.2016.** **M.A.No.263 of 2016 in O.A.No.641 of 2016** **S.S. Sirsikar & Ors. .... Applicants** **Versus** **The State of Maharashtra & Ors ....Respondents.** 1. Heard Shri A.S. Gadre, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid. 5. M.A. is allowed. Sd/- **(A.H. Joshi, J)** **Chairman** prk

[P.T.O.

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

DAY : 30/6/16
CORAM :
Hon'ble Justice Shri A.H. Joshi (Chairman)
Hon'ble Shri M.A. Lovekar (Member) A
APPEARANCE :
Shri A.S. Gadre
Advocate for the Applicant
Shri A.J. Chougule
C.P.O. / P.O. for the Respondents

Adj. To 1/7/16.

Date : 30.06.2016.

O.A.No.641 of 2016

S.S. Sirsikar & Ors. .... Applicants

Versus

The State of Maharashtra & Ors ....Respondents.

1. Heard Shri A.S. Gadre, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Applicant has approach this Tribunal with following relief at paragraph 10 (a), page 9 of the O.A. paper book :-

> *"a) That this Honourable Tribunal may pass necessary order or give appropriate directions to the Respondents for allowing Applicants to reside in the present Quarters till the end of rainy days or till 30th September, 2016 in the interest of justice and equity."*
>
> (Quoted from page 9 of the O.A. paper book)

3. The matter can be heard if both the Applicants file affidavit that they would vacate the residential premises in their occupation on or before 30.09.2016.

4. Learned Advocate Shri A.S. Gadre prays to adjourn the case to tomorrow and find out whether the Applicant would like to file affidavit.

5. Adjourned to 01.07.2016.

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

prk

(G.C.P.) J 2260 (A) (50,000—2-2015)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

DATE : 30/6/16
CORAM :
Hon'ble Shri A. H. Joshi (Chairman)
Hon'ble Shri (Member) A
Applicant
Shri K.R. Jagdale
Advocate for Applicant
Shri A.B. Kololgi
C.P.O. for the Respondents

Adj. To 1/7/16.

Date : 30.06.2016.

O.A.No.592 of 2015

J.S. Shinde .... Applicant

Versus

The State of Maharashtra & Ors. ....Respondents.

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

2. At the request of learned P.O. Smt. A.B. Kololgi, adjourned to 01.07.2016.

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

prk

[P.T.O.