2

(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 DISTRIC

..... 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

30.09.2016

O.A No 649/2016

Shri D.N Shinde & ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri H.A Joshi, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

Learned Advocate for the Applicants sought leave of this Tribunal to amend the Original Application to delete prayer clause (c). Leave granted. Learned Advocate Shri Joshi states that he will make the amendment forthwith.

S.O to 21.10.2016.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 30/9/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE:
Shri/Smt. H.A. Joshi
Advocate for the Applicant
Shri/Smt. K.S. Gaikwad
C.P.O. for the Respondents
Affidavit of service filed by Applicant.
Adj to
S.O. to 21/10/16

[P.T.O.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. 882 of 20 15 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 : 30/9/16

CORAM :

Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)

~~Hon'ble Shri R. B. MALIK (Member)~~

APPEARANCE :

~~Shri/Smt. :~~ Nobody for the applicant.

Advocate for the Applicant

~~Shri/Smt. :~~ K. S. Gaikwad

~~C.P.O./~~P.O. for the Respondents

~~Adj. To~~ O.A. is admitted.

S.O. to 21/10/16.

FH

30.09.2016

O.A No 882/2015

Dr. L.R Dange ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

None for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

It is seen that the affidavit in reply is filed. Original Application is admitted. Place for final hearing 21.10.2016.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

[P.T.O.

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A. 378/16 in
Original Application No. 886 of 2016 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

30.09.2016

M.A 378/2016 in O.A No 886/2016

Shri Irfan G. Mulani ... Applicant Intervenor

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri D.B Khaire, learned advocate for the applicant (Intervenor), Ms Archana P K, learned Presenting Officer for the Respondents no 2 to 4, and Shri M.D. Lonkar, learned advocate for Original Applicant.

2. Issue notice before admission made returnable on 7.10.2016.

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

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

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

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

7. S.O 7.10.2016. Hamdast.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

DATE: 30/9/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
~~Hon'ble Shri. R. B. MALIK (Member)~~
APPEARANCE:
Shri/s. D.B. Khaire
Advocate for the Applicant (Intervenor)
Shri/Smt. : Archana B.K.
C.P.O. for the Respondents no. 2 to 4.
M.D. Lonkar for R.No.1
Adj. To 7/10/16. Hamdast.

Akn

[P.T.O.

(Spl.- MAT-F-2 E.

(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

Date : 30.09.2016.

O.A.No.395 of 2015

Shri S.R. Dharmsale & Ors. **...Applicants**

Vs.

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

1. Heard Shri D.B. Khaire, the learned Advocate for the Applicant, Smt. S. Suryawanshi, the learned Presenting Officer holding for Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents No.1 to 4 and Shri V.P. Potbhare, for the newly added Respondent.

2. On Mr. Khaire's request two weeks time is given to him to comply with the order dated 30.06.2016 to implead the Respondents.

3. S.O. to 14.10.2016.

Sd/- 30.9.16

(R.B. Malik)
Member (J)

sba

DATE: 30/9/16
CORAM:
~~Hon'ble Justice Shri A. H. Joshi (Chairman)~~
Hon'ble Shri R.B. Malik (Member)A
APPEARANCE:
Shri/Smt. : D.B. Khaire
Advocate for the Applicant
Shri /Smt. : S. Suryawanshi holding for Smt. K.S Gaikwad P.O. for Resp
C.P.O / P.O. for the Respondent/s
Adj. To 14/10/16.

[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
DATE: 30/9/16 CORAM: Hon'ble ~~Shri U.V. Joshi (Chairman)~~ Hon'ble Shri R.B. Malik (Member)A APPI.: Shri/Smt.: None for the appl. Advocate for the Applicant Shri/Smt. A.J. Chougule C.G.O./P.O. for the Respondent/s Adj. To: By way of caution issue notice to the applicant for 18/10/2016. BTE	Date : 30.09.2016. O.A.No.36 of 2016 Dr. P.W. Mahindre ...Applicant Vs. The State of Mah. & Ors. ...Respondents 1. Applicant and Advocate absent. Mr. Chougule, the learned Presenting Officer for the Respondents. 2. By way of caution issue notice to the Applicant for 18.10.2016. Sd/- 9.16 (R.B. Malik) Member (J) sba

(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

..... Applic. nt/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 : 30.09.2016.

O.A.No.239 of 2016

S.P. Khatavkar & Ors. **...Applicant**

Vs.

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

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Original Application is admitted. Adjourned for hearing to 18.10.2016.

Sd/-

(R.B. Malik)
Member (J)

sba

DATE: 30/9/16
CORAM:
Hon'ble Shri A. H. Joshi (Chairman)
Hon'ble Shri Rameshkumar (Member) A
APP:
Shri/Smt. S.P. Manchekar
Advocate for the Applicants
Shri/Smt. A.J. Chougule
C.P.O / P.O. for the Respondents/s

Adj. To 18/10/16

BJE

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

Date : 30.09.2016.

O.A.No.397 of 2016

Shri S.N. Pawar ...Applicant

Vs.

The State of Mah. & Ors. ...Respondents

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. The communication of 22.07.2016 from the Government in Home Department to the Character Verification Committee is taken on record.

3. It appears quite clearly that this Tribunal has taken very strong view of the matter and Hon'ble Chairman issued show cause notice as to why the cost of Rs.1 lakh should not be imposed.

3. The Applicant has since been appointed w.e.f. 17.06.2016. Now, there is justifiable reason to make sure that the impugned order of December, 2015 having been made absolutely unnecessarily, the said order for June, 2016 should be made applicable since a date much prior thereto. As of now, there is no final work but the learned P.O. for the Respondents shall take instructions so that it is possible that the O.A. should be disposed in a more meaningful way.

4. S.O. to 6.10.2016.

Sd/-

(R.B. Malik)
Member (J)

sba

DATE: 30/9/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakumar (Member) A R.B. Malik
APPEARANCE:
Shri S.P. Manchekar
Advocate for the Applicant
Shri/Smt. A.J. Chougule
C.P.O / P.O. for the Respondents
To 6/10/16

(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

Date : 30.09.2016.

O.A.No.315 of 2016

Shri S.J. Waychal **...Applicant**

Vs.

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

1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Smt. S. Suryawanshi, the learned Presenting Officer holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. On oral request of the learned Advocate for the Applicant Mr. Dere, time to comply with my order dated 23.08.2016 is extended by three working days. After the amendment newly added Respondent Shri Abhinav S. Pawar be served in accordance with the Rules.

3. S.O. to 7.10.2015.

Sd/-

(R.B. Malik)
Member (J)

sba

DATE 30/9/16

CORAM

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

Hon'ble Shri R.B. Malik (Member)A

Shri S.S. Dere

Advocate for Applicant

Shri/Smt. S. Suryawanshi

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

Adj. To.....7/10/16.

[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: 30/9/16 CORAM: Hon'ble ~~...tice Shri A. H. Joshi (Chairman)~~ R.B. Malik Hon'ble ~~...M. Ramesh Kumar (Member) A~~ J APPEARANCE: ~~Shri~~ Ms. M.A. Mohite appl. in person Advocate for the Applicant ~~Shri~~ S. Suryawanshi C.P.O./P.O. for the Respondent/s Adj. To 4/10/16 before division Bench. SJ BM	**Date : 30.09.2016.** **O.A.No.798 of 2016** **Ms. M.A. Mohite ...Applicant** **Vs.** **The State of Mah. & Ors. ...Respondents** 1. Heard Ms. M.A. Mohite, the Applicant in person and Smt. S. Suryawanshi, the learned Presenting Officer for the Respondents. 2. It appears that there are directions of Hon'ble Chairman to matter will have to be heard by me. 3. The Original Application is formally admitted because order remained to be made. The written arguments are already on record. She will be allowed to supplement the same if she so disposed on the next date. 4. The O.A. is expedited because Applicant is urging the matter in person. 5. S.O. to 4.10.2016 before second Division Bench. Sd/- 30.9.16 **(R.B. Malik)** **Member (J)** sba

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

30.09.2016

O. A 1035/2014 & 644/2015

Shri A.D Jadhav & Ors ... Applicants

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri H.A Joshi, learned advocate for the Applicant and Ms Neelima Gohad, holding for Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

Learned Advocate Shri Joshi submits written arguments which are taken on record. He further submitted that on the next date even if he is not present, this and companion matter may be heard finally.

S.O to 5.10.2016.

DATE: 30/9/16
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member J)
APPEARANCE:
Shri/Smt. H.A. Joshi
Advocate for the Applicant
Shri/Smt. Ms. N.G. Gohad
P.O/ P.O. for the Respondents filed
written argument
Adv. H.A. Joshi.
S.O. to 5/10/16.
dj. To.....

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

PTO

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. No.772 of 2014 (OA St. No.760/14-Aurangabad)

Smt. S.D. Channa ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

None for the Applicant. Heard Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. OA St. No.760 of 2014 of Aurangabad Bench was returned by the order dated 3.7.2014 of Hon'ble Member (J) for want of jurisdiction and for presentation at the Principal Seat.

3. Original order sheets and copy of OA is transferred before this Bench at Mumbai.

4. Registry has reported that original papers are not presented by the applicant.

5. In view that Advocate has not presented before this Tribunal, the proceedings are disposed off as infructuous.

Sd/-
(A.H. Joshi, J.)
Chairman
30.9.2016

(sgj)

DATE: 30/9/16

CORAM:

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

Hon'ble Shri M. Ramakumar (Member) A

APPEARANCE:

Shri/Smt. .....None for the all.

Advocate for the Applicant

Shri/Smt. :.....N.G. Gohad.....

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

Adj. To.....OA is disposed off as infructuous

[P.T.O.

..... 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.As. No.272 & 273 of 2015
	Shri D.P. Londhe Shri G.S. Dumbre ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents Heard Shri Sagar Tambe, Ld. Advocate holding for Shri Abhaykumar Apte, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents. 2. Shri Sagar Tambe, Ld. Advocate states that Shri A. Apte, Ld. Advocate for the applicants is indisposed. He requests for adjournment. 3. Adjourned to 20.10.2016 as a last chance. Sd/- (A.H. Joshi, J.) Chairman 30.9.2016 (sgj)

DATE : 30/9/16

CORAM :

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

Hon'ble Shri M. Rameshkumar (Member)A

APPEARANCE :

Shri/Smt. Sagar Tambe holding for Abhaykumar Apte

Advocate for the Applicant

Shri /Smt. N. G. Gohad

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

Adj. To 20/10/16 as a last chance.

[P.T.O.

(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 : 30.09.2016.

O.A.No.240 of 2016

S.R. Rathod **...Applicant**

Vs.

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

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

2. Shri Mukesh Bhaurao Kadade, Deputy Collector (Revenue), Divisional Commissioner Office, Pune is present.

3. He has been warned to be careful in making averments. That matter will be now treated as closed.

4. In my opinion the O.A. can be worked out because on the same set of fact the departmental appeal is already pending and therefore that being a substantive remedy will have to be exercised and on prayer clause (b) appropriate directions can be given. For the present therefore this O.A. is admitted and kept for final disposal on 3.10.2016.

5. S.O. to 3.10.2016.

Sd/-

(R.B. Malik)
Member (J)

sba

DATE: 30/9/16
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
~~Hon'ble Shri M. Ramakrishnan (Member) A~~
APPEARANCE :
Shri/Smt. G.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. : A.J. Chougule
C.P.O / P.O. for the Respondent/s

Adj. To 3/10/16.

[P.T.O.

Shri V.P. Bhanushali ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri R.M. Kolge, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Ld. PO, on instructions from Shri Devidas Chaudhari, Dy. Collector, (E/R), Kurla states as follows:

(a) That he personally contacted Shri Manu Kumar Shrivastav, Principal Secretary, Revenue & Forest Department.

(b) That Shri M.K. Shrivastav has told him that work to be done at the level of his department including approval of Hon'ble Minister would be completed within 15 days time. Thereafter the matter would be submitted to the Finance Department.

3. The Respondents are directed to comply with the steps at the level of respondent no.1 and also state which are other departments involved and what steps the respondents would take to pursue the other department.

4. For reporting compliance adjourned to 18.10.2016.

Sd/-
(A.H. Joshi, J.)
Chairman
30.9.2016

(sgj)

DATE: 30/9/16
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakrishnan (Member) A
APPEARANCE:
Shri Smt. R.M. Kolge
Advocate for the Applicant
Shri Smt. N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To.... 18/10/16

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 857 OF 2016

DISTRICT : NASIK

Shri P.U Bisen)...**Applicant**

Versus

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

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

Ms Archana B.K learned Presenting Officer for the Respondents no 1, 2, 4, 5 & 6.

Shri S.B Deshmukh, learned advocate for Respondent no. 3.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 30.09.2016

O R D E R

1. Heard Shri C.T Chandratre, learned advocate for the Applicant, Ms Archana B.K learned Presenting Officer for the Respondents no 1, 2, 4, 5 & 6 and Shri S.B Deshmukh, learned advocate for Respondent no. 3.

2. It appears that the Applicant is a Group-A officer of the State Government who retired while working in Zilla Parishad, Ahmednagar. He retired on superannuation on 31.12.2013. As a D.E was pending against him, he was not paid his retiral benefits.

The Applicant has apparently filed an Original Application bearing O.A 307/2014 and by order dated 2.9.20214 the D.E was quashed. The State Government has taken the matter to the Hon. Bombay High Court by W.P 3647/2015, which has been dismissed by order dated 16.3.2016. This Tribunal has directed the Respondent no. 1, i.e. Secretary, Water Resources Department to issue No Dues and No Enquiry Certificate to the Applicant. The State authorized the Superintending Engineer, Water Resources Department, Nasik to issue such Certificate, which was submitted to the Accountant Ger·eral, M.S, along with pension papers of the Applicant. It appears that by letter dated 16.6.2016, Accountant General has asked that the Certificate in respect of Group-A officer is required to be issued by the State Government.

3. Despite clear orders of this Tribunal the State has not issued necessary Certificate in favour of the Applicant and accordingly he has filed the present Original Application. Notice has been served on the Respondents and the Applicant has filed affidavit of service.

4. Considering the nature of this O.A, it is really speaking not necessary that any affidavit in reply is required to be filed by the State Government. This Tribunal in its order dated 2.9.2014 in O.A no 307/2014 has directed the State Government to issue No D.E certificate to the Applicant to enable him to get his pensionary benefits. This fact is mentioned in the order dated 25.4.2016 issued by the State Government quashing the D.E against the Applicant. It is surprising that despite clear orders of this Tribunal, the State Government has failed to issue the necessary Certificate, though the Applicant is a Group-A officer and he has to unnecessarily file this O.A before this Tribunal.

5. It is, therefore, directed that Respondent no. 1 will issue the necessary Certificate as per order of this Tribunal referred to above within a period of two weeks from today. Respondent no. 6 is also directed to issue the Permanency Certificate to the Applicant who has worked for more than 38 years in Government service and it is not the case that he is not entitled to be made permanent in the service. The said Certificate should be issued within two weeks from today and the necessary entry should be taken in the service book of the Applicant and the copy of the same should be supplied to the Applicant.

6. S.O to 14.10.2016. Hamdast.

(R.B. Malik)
Member (J)

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 30.09.2016
Dictation taken by : A.K. Nair.

H:\Anil Nair\Judgments\2016\1st Sep 2016\O.A no 857.16 Retirement benefits SB.0916 Int order.doc