

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

M.A. No.442 of 2017 In O.A. No. 260 of 2017

The State of Maharashtra & Ors.)

**....Applicants
(Ori. Respondents)**

Versus

V. N. Jadhav)

**.....Respondent
(Ori. Applicant)**

Ms S.P. Manchekar, Chief Presenting Officer for Applicants (Ori. Respondents)
Shri A.V. Bandiwadekar, Advocate for Respondent (Ori. Applicant)

CORAM : SHRI B. P. PATIL (MEMBER-JUDICIAL)

DATE : 30.10. 2017

ORDER

1. Heard Ms S. P. Manchekar, the learned C.P.O. for the Applicants (Ori. Respondents) and Shri A.V. Bandiwadekar, the learned Advocate for the Respondent (Ori. Applicant).

2. The Applicants (Ori. Respondents) are seeking extension of three months' time to comply with the order passed by this Tribunal in O.A. No. 260 of 2017 on the ground that a communication dated 4/5.09.2014 issued to the applicant by the Minister of State (Revenue) had not been issued by the Applicants and therefore the directions given by this Tribunal in O.A. No.260/2017 cannot be complied. Hence, the applicants want to challenge the order passed by this Tribunal in O.A.260/2017 before the Hon'ble High Court. The applicants state that the proposal regarding challenging the order is pending before the Law & Judiciary Department and after approval the appeal / W.P. will be filed in the Hon'ble High Court and, therefore, the applicant has sought extension of three months time to comply with the order passed by this Tribunal in O.A.260/17.

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3. Learned Advocate for the applicant has submitted that the applicants had challenged the issuance of order dated 4/5.09.2014 in the O.A.260/17, but this Tribunal has disposed of the O.A. and directed the respondents i.e. present applicants to communicate the order dated 4/5.09.2017 to the original applicant and give him posting in accordance therewith within four weeks from the date of that order. Since the issuance of the order dated 4/5.09.2017 was under challenge the order passed in O.A. cannot be complied with. To challenge the order passed by this Tribunal in O.A. 260/17 before the Hon'ble High Court by filing appropriate proceedings some time is required. On this ground the applicant sought extension of time to comply the order passed by this Tribunal.

4. Learned Advocate for the respondent has submitted that the issue regarding the genuineness and issuance of the order dated 4/5.09.2017 has been considered by this Tribunal while deciding the O.A. 260/17 and thereafter the direction had been given by the Tribunal to the respondents to comply the order within four weeks and give posting accordingly to the original applicant by order dated 13.09.2017 in O.A. 260/17. Therefore, he prayed to reject the application.

5. In O.A.260/17, the present applicant has challenged the genuineness and issuance of the order dated 4/5.09.2017 issued by the Hon'ble Minister for State (Revenue). After considering the said fact, this Tribunal has passed the order on 13.09.2017 and issued direction as above to the applicants. The concerned department has sent the proposal to challenge the said order dated 13.09.2017 in O.A.260/17 in the High Court to the Law & Judiciary Department. The said proposal is under consideration of the Government. Therefore, some time is required to respondent to comply with the order passed by this Tribunal. Because of the said reason, the applicants are not able to comply the order.

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6. In these circumstances, the Misc. Application deserved to be allowed. Hence, the application is allowed and extension of one month's time is granted to the applicants to comply with the order passed by this Tribunal in O.A.260/17, dated 13.09.2017.

Sd/-
(B.P. PATIL)
Member (J)
30.10.2017

(vsm)

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

Tribunal's orders

O.A.No.990/2017

Mr. K.R. Kedar & Ors.

... Applicants

Vs.

The State of Mah. & ors.

... Respondents

1. Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.
2. Issue notice returnable on 7th November, 2017.
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 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 four weeks. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.
8. O.A. will be heard on the next date for interim relief.
9. S.O. to 7th November, 2017.

DATE: 30/10/17

CORAM:

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

Hon'ble Shri R. D. MALIK (Member)
B.P. Patil

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. Ms. S.P. Manchekar

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

Adj. To S.O. to 7/11/17.

Sd/-

(B.P. Patil)
Member-J
30.10.2017

**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
<p><u>DATE:</u> 30/10/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri B. P. MALIK (Member) J B.P. Patil</p> <p><u>APPEARANCE:</u> Shri/Smt. for the applicant</p> <p>Advocate for the Applicant Shri/Smt. K.B. Bhise</p> <p>C.P.O./P.O. for the Respondents Affidavit filed by Res.No.1</p> <p>Adj. To S.O. to 6/11/17 for order.</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>M.A.No.235/2015 in C.A.St.No.925/15 in O.A.No.517/2013</u></p> <p>Dr. H.N.S. Hashan ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <ol style="list-style-type: none"> None for the Applicant. Heard Mr. K.B. Bhise, the learned Presenting Officer for the Respondents. Affidavit filed by Respondent No.1 is taken on record. S.O. to 6th November, 2017 for final hearing. <i>Order</i> <p style="text-align: right;">Sd/- (B.P. Patil) Member-J 30.10.2017</p> <p>skw</p>

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

Tribunal's orders

O.A.No.989/2017

Mr. S.M. Jadhav ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

1. Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Mr. K.B. Bhise, the learned Presenting Officer for the Respondents.
2. Issue notice returnable on 27th November, 2017.
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 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 four weeks. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.
8. S.O. to 27th November, 2017.

DATE: 30/10/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

Adj. To S.O. to 27/11/17.

Sd/-

(B.P. Patil)
Member-J
30.10.2017

skw

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 30/10/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri B. MALIK (Member) B.P. Patil</p> <p><u>APPEARANCE:</u> Shri/Smt. A.V. Bandiwadekar Advocate for the Applicant</p> <p>Shri/Smt. Ms. S. Suryawanshi C.P.O./P.O. for the Respondents</p> <p>Adj. to S.O. to 6/11/17. steno-copy granted. <i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A.No.218/2017</u></p> <p>Mr. U.V. Deshmukh ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the Presenting Officer for the Respondents.</p> <p>2. The learned Advocate for the Applicant seeks time. Two weeks' time is granted to take final decision by the Collector, Thane on the basis of reply submitted in the OA by way of directions given by this Tribunal on 18.9.2017.</p> <p>3. Already ample opportunities were given to the Collector, Thane to take decision on the basis of reply filed in the OA. However, in the interest of justice, last chance is granted.</p> <p>4. S.O. to 6th November, 2017. Steno-copy granted.</p> <p style="text-align: right;">Sd/- (B.P. Patil) Member-J 30.10.2017</p> <p>skw</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 30/10/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) B.P. Patil</p> <p><u>APPEARANCE:</u> Shri/Smt. None for the Applicant.</p> <p>Advocate for the Applicant Shri/Smt. : K.S. Gaikwad</p> <p>CPO/P.O. for the Respondents Affidavit of apology filed by Dr. S.D. Pawar Adj. To: S.O. to 6/11/17 for order.</p>	<p><u>M.A. St. No.1044/2017 in C.A.St. No.1045/2017 in O.A.No.69/2016</u></p> <p>Dr. B.G. Manoorkar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <ol style="list-style-type: none"> None for the Applicant. Heard Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents. Affidavit of Dr. Satish D. Pawar, Director of Health Services, Mumbai is taken on record. Dr. Pawar states that he has complied with the order passed in O.A.69/2016 dated 24/11/2016 and refunded the amount of Rs.4,99,634/- to the Applicant by Cheque No.948787. Learned P.O. submitted that since the order passed in OA 69/2016 has complied with, the M.A may be disposed of. S.O. to 6th November, 2017. for order <p style="text-align: right;">Sd/- (B.P. Patil) Member-J 30.10.2017</p> <p>skw</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 30/10/17</p> <p><u>CORAM:</u></p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri B. MALIK (Member) J (B.P. Patil)</p> <p><u>APPEARANCE:</u></p> <p>Shri/Smt. <u>A.D. Sugdare</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>K.B. Bhise</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To <u>S.O. to 27/11/17</u></p>	<p style="text-align: center;"><u>O.A.No.1143/2016</u></p> <p>Mr. V.T. Jadhav ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Mr. A.D. Sugdare, the learned Advocate for the Applicant and Mr. K.B. Bhise, the Presenting Officer for the Respondents.</p> <p>2. The learned Advocate for the Applicant seeks leave to amend the O.A. Leave to amend the O.A. is granted.</p> <p>8. S.O. to 27th November, 2017.</p> <p style="text-align: right;">Sd/- (B.P. Patil) Member-J 30.10.2017</p> <p>skw</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

O.A.No.113/2017

Mr. D.B. Galphade & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

1. Heard Mr. J.N. Kamble, the learned Advocate holding for Mr. N.P. Dalvi, the learned Advocate for the Applicants and Mr. K.B. Bhise, the Presenting Officer for the Respondents.

2. The learned Advocate for the Applicants on instructions states that the Applicants want to challenge the G.R. dated 23rd July, 2015 by filing separate OA and therefore, they do not want to proceed with the present O.A.

3. The learned Advocate for the Applicants is therefore prayed for dispose of the OA accordingly with liberty to the Applicants to press OA challenging to G.R. dated 23rd July, 2015.

4. Since the Applicants do not want to proceed with the OA and wants to withdraw the OA, leave is granted. OA is disposed of with liberty to the Applicants to file a fresh OA.

DATE: 30/10/17

CORAM:

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

Hon'ble Shri. B. MALIK (Member)

APPEARANCE:

Shri/Smt. J.N. Kamble holding
for Mr. N.P. Dalvi
Advocate for the Applicant

Shri/Smt. K.B. Bhise

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

Adj. To O.A. is disposed of.

Sd/-

(B.P. Pr II)
Member-J
30.10.2017

Skw

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

Tribunal's orders

O.A.No.992/2017

Mr. S.A. Pagar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

1. Heard Mr. C.T. Chandratre, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the Presenting Officer for the Respondents.
2. Issue notice returnable on 7th November, 2017. The learned P.O. waives service of notice.
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 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 four weeks. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Applications shall stand dismissed without reference and papers be consigned to record.
8. S.O. to 7th November, 2017.

DATE: 30/10/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~

(Vice-Chairman)

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

APPEARANCE:

Shri/Smt. C.T. Chandratre

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Adj. To S.O. to 7/11/17

skw

Sd/-

(B.P. Patil
Member-1
30.10.2017)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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O.A.No.604/2017

Mr. S.S. Tatkare & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

1. Heard Mr. B.A. Bandiwadekar, the learned Advocate for the Applicants and Ms. S. Suryawanshi, the Presenting Officer for the Respondents.

2. The learned Advocate Mr. Bandiwadekar places on record a communication dated 23.10.2017 received from the Applicant No.7 – Ms. Trupti Suresh Jadhav informing that she does not want to proceed with the O.A as she has received an appointment.

3. The learned Advocate for the Applicant has prayed to allow the Applicant No.7 to withdraw her claim.

4. The learned P.O. has submitted that necessary orders may be passed. Since the Applicant No.7 – Ms. Trupti Suresh Jadhav does not want to proceed with the OA, the application in respect of the Applicant No.7 stands disposed of accordingly.

8. S.O. to 27th November, 2017.

DATE: 30/10/17

CORAM:

~~Mr. Mr. Shri. RAJIV AGARWAL
(Vice-Chairman)~~

~~Mr. Mr. Shri R. B. MALIK (Member) J~~

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. Ms. S. Suryawanshi

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

Adj. To S.O. to 27/11/17

Sd/-

(B.P. Pat)
Member J
30.10.20 17

skw