

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ/A.P./C.A. No. _____ of 20____

J.N. _____

Writ and Application No. _____ of 20____

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

O.A.1162/2017

Smt. J.V. Bhandare ... Applicant

Vs.

The State of Mah. & ors. ... Respondents

1. Heard Ms. M.A. Gowalani, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officers for Respondents.

2. The present O.A. has been preferred by the Applicant viz. Jyoti Vikas Bhandare with limited prayer for direction to Respondent No.1 to consider her representation dated 812/2016.

3. The Applicant is daughter-in-law of deceased Shahaji Tayappa Bhandare, who died on 24.04.2008 in harness. The application made by the Applicant for appointment on compassionate ground was rejected on the ground that the application was not made within one year. It was communicated by Desk Officer, Industry and Labour Department, Mantralaya, Mumbai by order dated 15.07.2015. Thereafter, the Applicant again made a representation to Respondent No.1 – Secretary, Industry and Labour Department, Mantralaya, Mumbai on 08.02.2016 requesting to place the matter before High Powered Committee for condonation of delay and appointment on compassionate ground.

4. The learned Advocate for the Applicant urged that the communication dated 15.07.2015 as informed by Desk Officer is not the decision taken by the competent authority, and therefore, she had again made representation on 08.12.2016 for reconsideration of her claim by competent authority. It is on this background, the limited prayer is made in O.A. to direct Respondent No.1 to consider and decide her representation dated 08.02.2016.

5. Shri A.J. Chougule, learned P.O. for the Respondents fairly conceded that the prayer being

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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limited one, be considered. Therefore, this O.A. can be disposed of by issuing suitable directions to Respondent No.1.

6. The O.A. is disposed of with directions to Respondent No.1 to consider and decide the representation made by the Applicant dated 08.02.2016 in the matter of grant of compassionate appointment within three months from today and communicate the decision to the Applicant thereafter.

7. The learned P.O. shall communicate this order to Respondent No.1 for necessary compliance. No order as to costs.

DATE 30/10/18

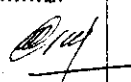
~~SECRET~~

Shri. P.N. DIXIT (Member) A
Shri. A.P. Kurhekar
Members

APPEARANCE:
~~Shri. M. A. Gopalani~~

Advocate for the Applicant

~~Shri. A. J. Chougale~~
C.P.O. for the Respondent/s

Adj. S.O. to O.A. is disposed
OK. 

Sd/-

(A.P. Kurhekar)
Member-J
30.10.2018

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./B.A./C.A. No.

of 20

IN

Said Application No.

of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram,
Announcements, Tribunal's orders or
Directions and Registrar's orders

Tribunal's orders

M.A.268/2018 in O.A.475/2018

Shri S.D. Gulekar & Ors. ... Applicants
Vs.

The State of Mah. & ors. ... Respondents

1. Heard Shri M.R. Patil, learned Advocate for the Applicants and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2. This O.A.475/2018 has been filed for fixation of pay in view of anomalies in the pay structure of Laboratory Assistants working in Government Colleges and other institutions in the State of Maharashtra. According to Applicants, though they are on duties, their qualification, experience, etc. are the same, there is a disparity in pay structure of Laboratory Assistants in Govt. Colleges and other institutions in the State of Maharashtra.

3. The O.A. has been made to get the relief of deciding the representations made by the Applicants with the Respondents from time to time. The O.A. has been filed on 25th May, 2018.

4. M.A.268/2018 has been filed for condonation of delay caused in filing the O.A. According to the learned Advocate for the Applicant, it being continued cause of action, that is in fact no delay and in spite of making representations from time to time with the Respondents, no action has been taken by the Government, and therefore, there being no other choice, they have approached this Tribunal by filing the present O.A. under Section 19 of the Administrative Tribunals Act, 1985.

5. The learned Advocate for the Applicant also placed reliance on the Judgment of Hon'ble Supreme Court in *Union of India Vs. Tarsem Singh reported in (2008) 8 SCC 648* wherein it has been held as under :

"Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury."

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>30/10/18</u></p> <p>Case No.</p> <p>For the Applicant P.N. DIXIT (Member) A Shri. A.P. Kurhekar Member (C)</p> <p>APPEARANCE: Shri. N. G. Gohad</p> <p>Advocate for the Applicant</p> <p>Shri. N. G. Gohad C. of P.O. for the Respondent/s</p> <p>Advs. to M.A. is disposed of.</p>	<p>6. At this stage, Ms. N.G. Gohad, learned P.O. has filed the reply to the M.A. opposing the application on the ground of limitation. The same is taken on record.</p> <p>7. In so far as the delay in filing O.A. is concerned, the perusal of record reveals that the representations made by the Applicants with the Respondents are not decided. There being disparity in pay structure in respect of similarly placed employees, there is continuing cause of action, in view of Judgment of Hon'ble Supreme Court in Union of India Vs. Tarsem Singh cited supra.</p> <p>8. It is thus quite clear that, before coming to this Tribunal, the Applicants have made representations with the Respondents to address their grievances and ultimately, there being no response from the Government, they filed the present application.</p> <p>9. It being continuing cause of action recurring day to day, the delay is condoned. The Misc. Application stands disposed of accordingly.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 30.10.2018</p> <p>(skw)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

Original Application No.970 of 2018

D.K. Shinde)Applicant

Versus

The State of Maharashtra & Ors.)....Respondent s

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

Ms. N.G. Gohad, the learned .P.O. for the Respondents.

CORAM : Shri A.P. Kurhekar, Member (J)

DATE : 30.10.2018.

ORDER

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
2. The matter pertains to suspension by order dated 1.06.2016 passed by the Respondent No.1 whereby the Applicant is suspended from the post of Talathi.
3. At this stage, learned Advocate for the Applicant sought interim relief in terms of para no.10(b) seeking directions to the Respondent No.3 to communicate the decision taken, if any, on his appeal which was heard on 9.10.2017 by the Government.
4. It is very surprising that though the appeal seems to have been heard on 9.10.2017, the period of one year has been passed but the decision is not communicated to the Applicant.
5. Interim relief sought therefore is just and deserves to be granted.
6. Respondent No.3 is directed to communicate the decision taken, if any, on appeal filed on 3.10.2017 against the suspension to the Applicant and also inform about the same to this Tribunal by the returnable date.
7. Issue notice returnable on 4.12.2018.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
9. 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.
10. 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.
11. 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.
12. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
13. S.O. to 4.12.2018.
14. Steno copy and Hamdast is allowed.
15. Learned P.O. for the Respondents is directed to communicate this decision to the Respondents.

Sd/-

(A.P. Kurhekar)
Member (J)

sba

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Writ Petition No. _____ of 20____

FN

Application No. _____ of 20____

FARAD CONTINUATION SHEET NO.

Notes, Office Memoranda of Coram,
appearances, Tribunal's orders or
Petitioner's and Registrar's orders

Tribunal's orders

M.A.583/2018 in O.A.189/2018

Shri Sarjerao D. Patil ... Applicant

Vs.

The State of Mah. & ors. ... Respondents

1. Heard Shri K.T. Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The Misc. Application No.583/2018 is filed for restoration of O.A.189/2018 which was dismissed for default in view of conditional order passed by this Tribunal on 12th October, 2018. The Respondent Nos.1 to 3 were served, but Respondent No.4 was not served. The Applicants did not collect the notices for the service of Respondent No.4, and therefore, the O.A. came to be dismissed in view of conditional order.

3. Now, the learned Advocate for the Applicant prayed for restoration of O.A. and undertakes to take steps immediately for the service on Respondent No.4.

4. The O.A. No.189/2018 is restored to the file.

M.A. 583/18 is disposed of

Sd/-

(A.P. Kurhekar)

Member-J

30.10.2018

(skw)

DATE 30/10/18

CORAM

Shri P.N. DIXIT (Member) A
Shri. A.P. Kurhekar,
Member/J

APPEARANCE:

~~Shri K.T. Pawar~~

Advocate for the Applicant

~~Shri A.J. Chougule~~

Presenting Officer for the Respondent/s

~~M.A. is disposed of~~

ok.

[Signature]

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

Tribunal's orders

O.A.475/2018

Shri S.D. Gulekar & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

1. Heard Shri M.R. Patil, learned Advocate for the Applicants and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.
2. The learned Advocate for the Applicant pointed out that the representations of the Applicants addressed to Respondent No.1 on 01.03.2017 are yet to be decided, and therefore, direction be given to Respondent No.1 to decide the same within a stipulated time.
3. The learned P.O. concedes to the position that direction be issued to consider and decide the representation dated 01.03.2017 (Exh. 'A-12', Page 73 of the P.B.) within reasonable time.
4. In view of submissions advanced at the Bar, it would be appropriate to direct Respondent No.1 to consider and decide the representation dated 01.02.2017 in respect of disparity in pay structure. With these directions, the O.A. needs to be disposed of. Hence, the following order.

The O.A.475/2018 is disposed of with direction to Respondent No.1 to consider and decide the representations made by the Applicants dated 01.03.2017 in respect of disparity in pay structure within four months from the date of order and it be communicated to the Applicants accordingly. If aggrieved, the Applicant can challenge the decision on their representation before appropriate forum, as may be permissible in law.

6. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member-J
30.10.2018

(skw)

DATE 30/10/18

CORAM

Shri P.N. DIXIT (Member) A
Shri A.P. Kurhekar (Member) B

APPEARANCE:

M.R. Patil

for the Applicant

Ms. N.G. Gohad

for the Respondent/s

O.A. is disposed

P.R.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

(Advocate: _____)

versus

The State of Maharashtra and others

Presenting Officer: _____

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

Tribunal's order

Date : 30.10.2018

O.A.No.645 of 2017

M.A. DamaleApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondent No.2. None for the Respondent No.1.

2. As the pleadings are completed, the matter is admitted and kept for final hearing after vacation on 28.11.2018.

3. S.O. to 28.11.2018.

DATE 30/10/18

MUMBAI

Shri P.N. DIXIT (Member A)

Shri. A.P. Kurhekar
Member B

CLEARANCE:

A.V. Bandiwadekar

Presenting Officer for the Applicant

~~Ms. S. Suryawanshi~~
Presenting Officer for the Respondent's No 2

Ad/S.O. to 28/11/18

sba

Sd/-

(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. 1020

(Advocate:

VERSUS

The State of Maharashtra and others

(Presenting Officer:

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

Tribunal's orders

Date : 30.10.2018

O.A.No.876 of 2017

J.R. Sonkavade

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents:

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

2. At the request of the learned Advocate for the Applicant, adjourned to 28.11.2018.

DATE 30/10/18

CORAM

Hon'ble Shri P.N. DIXIT (Member A)
Shri A.P. Kurhekar
Member (J)

APPEARANCE:

Shri A.V. Sakolkar

Advocate for the Applicant

Smt. K.S. Gaikwad sba

P.O. for the Respondents

ADJ.O. to 28/11/18

[Signature]

Sd/-

(A.P. Kurhekar)
Member (J)

**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
<p>DATE <u>30/10/18</u></p> <p>CCBAM</p> <p>Presented by <u>Shri P.N. DIXIT (Member) A</u> <u>Shri A.P. Kurhekar, Member (J)</u></p> <p>APPEARANCE: <u>A.M. Kolge</u>..... for the Applicant</p> <p><u>A.J. Chougule</u>..... for the Respondents</p> <p>U.S.O. to <u>20/11/18</u></p> <p><i>(Signature)</i></p> <p>sba</p>	<p>Date : 30.10.2018</p> <p>O.A.No.509 of 2018</p> <p>P.S. KumbharApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondent Nos.1 & 2.</p> <p>2. Learned Advocate for the Applicant requested for extension of time to serve notice on newly added Respondent No.3.</p> <p>3. By order dated 24.10.2018, leave was granted to implead the Respondent No.3 and notice was issued returnable on 30.10.2018. But learned Advocate for the Applicant could not serve the notice to the Respondent No.3 within time, being short.</p> <p>4. The learned Advocate for the Applicant requested for extension of time to serve the notice.</p> <p>5. Hence, time is granted to serve the notice on Respondent No.3.</p> <p>6. S.O. to 20.11.2018.</p> <p>Sd/- (A.P. Kurhekar) Member (J)</p>

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

Tribunal's orders

Date : 30.10.2018

O.A.No.488 of 2018

N.R. Mishra

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

2. The matter pertains to non-releasing of Pensionary Benefits which were withheld on account of non passing Marathi Language Examination by the Applicant.

3. However, during the pendency of the application Government by order dated 19.10.2018 granted exemption to the Applicant from passing Marathi Language Examination. Directions were issued to concerned department to release all Pensionary Benefits.

4. Thus, in view of the order dated 19.10.2018 there is no hurdle in granting of all Pensionary Benefits.

5. The Applicant has retired on 1st July, 2015 and the period of more than three years is over but the Applicant is deprived from getting Pensionary Benefits.

6. Needless to mention that in view of the said order dated 19.10.2018, pensionary benefits needs to be released immediately. Therefore, this O.A. can be disposed of by giving suitable directions to the Respondent Nos.1 & 2.

Order:-

7. Respondent Nos.1 & 2 are directed to release all Pensionary Benefits to the Petitioner expeditiously latest within two months from today.

8. Original Application is disposed of in term of above directions. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member (J)

sb

DATE 30/10/18

CORAM

Hon'ble Shri R.N. DIXIT (Member) A

Shri A.P. Kurhekar, Member B

APPEARANCE:

~~Shri B.A. Bandiwadekar~~

Advocate for the Applicant

~~Ms. S. Suryawanshi~~

~~P.O. for the Respondents~~

~~O.A. is disposed of~~

OP

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>30/10/18</u></p> <p>CORAM Honble Shri P.N. DIXIT (Member) A Shri. A.P. Kurhekar, Member (J)</p> <p>APPEARANCE: <u>M.B. Kadam,</u> holding for Dr. G. Sadavarte Advocate for the Applicant</p> <p><u>Archana B.K.</u> C.P.O./P.O. for the Respondents</p> <p><u>Adm. O.A. is disposed</u> of</p>	<p>Date : 30.10.2018</p> <p>O.A.No.740 of 2018</p> <p>A.N. DeokareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.B. Kadam, the learned Advocate holding for Dr. G. Sadavarte, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.</p> <p>2. The present O.A. has been filed challenging the order of punishment imposed upon the Applicant by order dated 17.04.2018. The Applicant is serving as Block Education Officer, Nanded. In Departmental Enquiry punishment of reduction in salary by two steps for six months has been imposed.</p> <p>3. Learned P.O. for the Respondents raised objection on the point of jurisdiction as the Applicant is serving at Nanded and therefore, the application challenging the punishment should have been made at Aurangabad Bench of this Tribunal.</p> <p>4. Learned Advocate for the Applicant appearing on behalf of the Dr. G. Sadavarte requests for passing appropriate order.</p> <p>5. The Applicant is residing and serving at Nanded. Therefore, application needs to be presented before Aurangabad Bench.</p> <p>6. In view of the above terms, original Application is disposed of with liberty to the Applicant to file fresh O.A. before appropriate bench. No order as to costs.</p> <p>Sd/- (A.P. Kurhekar) Member (J)</p> <p>sba</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

(Advocate)

versus

The State of Maharashtra and others

(Presenting Officer.....)

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

Tribunal's orders

Date : 30.10.2018

O.A.No.310 of 2018

S.B. KashidApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Respondents have already filed reply.

3. Learned Advocate for the Applicant does not want to file affidavit-in-rejoinder.

4. As the pleadings are completed the matter is admitted and adjourned for final hearing on 4.12.2018.

5. S.O. to 4.12.2018.

DATE 30/10/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A
Shri. A.P. Kurhekar,
Member C/D

APPEARANCE:
Shri/Smt. C.T. Chandratre

Advocate for the Applicant

Ms. S. Suryawanshi
Presenting Officer for the Respondents

Adl./S.O. to 4.12/18

(Signature)

sba

Sd/-
(Signature)
(A.P. Kurhekar)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAL**

Original Application No. _____ of 20____

(Advocate _____)

versus

The State of Maharashtra and others

(Presenting Officer _____)

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

Inherent Jurisdiction

Date : 30.10.2018

O.A.No.528 of 2018

V.V. KabadeApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.U. Sakolkar, the learned Advocate holding for Shri A.U. Patil, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned P.O. holding for Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. The matter pertains to transfer. However, during the pendency of this ~~procedure~~ ^{proceeding} the Applicant has been promoted and posting has already been given.

3. Today, learned Advocate for the Applicant has tendered the order of promotion dated 17.10.2018.

4. In view of the above, the learned Advocate for the Applicant states that the cause of action does not survive and therefore application be disposed of.

5. As no cause of action is survived, Original Application is disposed of. No order as to costs.

DATE 30/10/18

CORAM

Shri P.N. DIXIT (Member) A
Shri. A.P.

APPEARANCE:

Shri A.U. Sakolkar,
for Applicant

Advocate for the Applicant

Shri K.S. Gaikwad, for
Respondent/s

S.P. Manchekar,
for Respondent/s

Application O.A. is disposed
of

Sd/-

(A.P. Kurhekar)
Member (I)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

(Advocate)

versus

The State of Maharashtra and others

Respondents

(Presenting Officer.....)

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

Tribunal's notes

Date : 30.10.2018

O.A.No.323 of 2017

Dr. V.U. Isane

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. None for the Applicant. Heard Smt. K.S. Gaikwad,
the learned Presenting Officer for the Respondents.

2. On perusal from order dated 15.11.2017 to
6.06.2018 it reveals that the Applicant as well as his
Advocate are continuously absent.

3. However, one chance is granted to the Applicant to
take necessary steps.

4. S.O. to 5.12.2018.

Sd/-

(A.P. Kurhekar)
Member (J)

sba

DATE 30/10/18

CORAM

Hon'ble Smt. P.N. DIXIT (Member) A
Shri. A.P. Kurhekar, Member (J)

APPEARANCE:

~~Name~~ Name None has
Applicant.

for the Applicant

Smt. K.S. Gaikwad

PO for the Respondents

5/12/18.

People Dated by A.P.K. [Signature]

**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
<p>DATE <u>30/10/18</u></p> <p>CORAM Shri P.N. DIXIT (Member) & Shri A.P. Kurhekar, Member (J)</p> <p>APPEARANCE: Shri A.M. Kolge..... Advocate for the Applicant</p> <p>Shri A.J. Chougule..... P.O. for the Respondents</p> <p>HEARD on <u>20/11/18</u></p>	<p>Date : 30.10.2018</p> <p>O.A.No.509 of 2018</p> <p>P.5. KumbharApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondent Nos.1 & 2.</p> <p>2. Learned Advocate for the Applicant requested for extension of time to serve notice on newly added Respondent No.3.</p> <p>3. By order dated 24.10.2018, leave was granted to implead the Respondent No.3 and notice was issued returnable on 30.10.2018. But learned Advocate for the Applicant could not serve the notice to the Respondent No.3 within time, being short.</p> <p>4. The learned Advocate for the Applicant requested for extension of time to serve the notice.</p> <p>5. Hence, time is granted to serve the notice on Respondent No.3.</p> <p>6. S.O. to 20.11.2018.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>sb</p>

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders.	Tribunal's orders
<p>DATE <u>30/10/18</u></p> <p>CORAM Honble <u>Shri P.N. DIXIT (Member) A</u> <u>Shri A.P. Kurhekar,</u> <u>(Member)</u></p> <p>APPEARANCE: <u>Shri K.T. Pawar</u> Advocate for the Applicant</p> <p><u>Shri A.J. Chougale</u> C.O. for the Respondent/s</p> <p>ADJUDICATED TO <u>5/12/18.</u></p>	<p style="text-align: center;"><u>O.A.583/2018</u></p> <p>Shri Sarjerao D. Patil ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri K.T. Pawar, learned Advocate for the Applicant and Shri A.J. Chougale, learned Presenting Officer for the Respondents. 2. In view of order passed in M.A.583/2018, this O.A. is restored today. 3. Issue notice to Respondent No.4 returnable on 5th December, 2018. 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 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. 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. 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 to Tribunal and papers be consigned to record. 9. S.O. to 5th December, 2018. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 30.10.2018</p>

(Presenting Officer.....)

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

Tribunal's order

Date : 30.10.2018

O. A. No.859 of 2018

R. D. Kekan

....Applicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri M. B. Kadam, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.
2. Learned P.O. seeks short adjournment.
3. S.O. to 01.11.2018.

Sd/-

(P. N. DIXIT)
MEMBER (A)

VSM

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
CONTEMPT APPLICATION NO 32 OF 2018
IN
ORIGINAL APPLICATION NO 1044 OF 2015**

DISTRICT : JALGAON

Dr Sudhir S. Dusane)...**Applicant**

Versus

Dr Pradeep Vyas,)
Principal Secretary, Public Health Dept,)...**Respondent**

Shri M.D Lonkar, learned advocate for the Applicant.

Ms Archana B.K, learned Presenting Officer for the Respondents.

CORAM : **Shri Justice A.H Joshi (Chairman)**
Shri P.N Dixit (Member) (A)

DATE : **30.10.2018**

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

ORDER

1. Heard Shri M.D Lonkar, learned advocate for the Applicant and Ms Archana B.K, learned Presenting Officer for the Respondents

2. Learned P.O has tendered affidavit in reply affirmed by Contemnor Dr. Pradeep Vyas, IAS, Principal Secretary, Public Health Department, Mantralaya, Mumbai.

3. This Tribunal had called upon the Contemnor to file affidavit towards the cause disclosed in para 2 of the order dated 4.10.2018.

4. Para 2 of the order dated 4.10.18 reads as follows:

"2. Dr Pradeep Vyas, Principal Secretary, Public Health Department who is named as Contemnor is called to show cause as to why he should not be personally saddled with costs for failure to respond to notice dated 25.8.2018, Exh. C, page 17. Dr Pradeep Vyas, Principal Secretary, is



also called to show cause as to why cognizance of contempt should not be taken against him.”

(Quoted from para 2 of order dated 4.10.2018)

5. Despite the fact that specific direction was given, the affidavit which is tendered today fails even to touch the question as to why cost should not be imposed.
6. The show cause against cognizance of contempt to which reply is given states that the file was being processed, etc.
7. In these premises for the present, we propose to deal with aspect of cost only.
8. The fact that the notice sent by applicant's advocate in the name to Dr Pradeep Vyas delivered in the office of Contemnor on 25.8.2018, is not replied.
9. Contemnor has failed to comment as to why the Advocate's notice has not been attended to/replied. Reply towards reason due to which Advocate's notice remained unattended is not furnished. It appears that the contemnor is prepared to pay cost, lest, an I.A.S Officer of the rank of Principal Secretary would not have omitted to pay attention to the show cause specifically issued.
10. The affidavit even does not contain a statement as to what steps would be taken to avoid lack of advertence to party's or Advocate's notice of proposed action for contempt.
11. Therefore, we propose to impose on him cost of Rs. 10,000/- which shall be paid by him personally within four weeks.
12. In so far as aspect of taking cognizance is concerned, we wish to express that the Government is often starving for want of good legal advice. This happens, not because good legal advice is not available, but also because most of the times it is not taken.
13. Had advice been taken, anybody would have guided the Government that it was duty of the contemnor to place on record, plead and disclose the date of knowledge of order to be complied with, disclose whatever steps were taken, time lost in movement of file and if there be some explanation for failure to

attend to the order and its compliance. Lapses, if any could have been candidly explained with an undertaking and assurance to overcome the delay in future. Nothing of this sort is coming forward.

14. We are conscious of the fact that the Government often starves of prudent and good legal advice. Therefore, we propose to give one more opportunity to the contemnor to offer any explanation to avoid an action of contempt.

15. We, therefore, suo moto adjourn the matter by four weeks leaving to the wisdom of the contemnor to file additional affidavit if advised.

16. S.O to 26th November, 2018.

17. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.

Sd/-
(P.N Dixit)
Member (A)

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

Place : Mumbai
Date : 30.10.2018
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
CONTEMPT APPLICATION NO 31 OF 2018
IN
ORIGINAL APPLICATION NO 102 OF 2016**

DISTRICT : NASIK

Dr T.A Jadhav)...**Applicant**

Versus

Dr Pradeep Vyas,)
Principal Secretary, Public Health Dept,) ...**Respondent**

Shri M.D Lonkar, learned advocate for the Applicant.

Ms Archana B.K, learned Presenting Officer for the Respondents.

CORAM : **Shri Justice A.H Joshi (Chairman)**
Shri P.N Dixit (Member) (A)

DATE : **30.10.2018**

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

ORDER

1. Heard Shri M.D Lonkar, learned advocate for the Applicant and Ms Archana B.K, learned Presenting Officer for the Respondents

2. Learned P.O has tendered affidavit in reply affirmed by Contemnor Dr. Pradeep Vyas, IAS, Principal Secretary, Public Health Department, Mantralaya, Mumbai.

3. This Tribunal had called upon the Contemnor to file affidavit towards the cause disclosed in para 2 of the order dated 4.10.2018.

4. Para 2 of the order dated 4.10.18 reads as follows:

"2. Dr Pradeep Vyas, Principal Secretary, Public Health Department who is named as Contemnor is called to show cause as to why he should not be personally saddled with costs for failure to respond to notice dated 25.8.2018, Exh. C, page 12. Dr Pradeep Vyas, Principal Secretary, is



also called to show cause as to why cognizance of contempt should not be taken against him.”

(Quoted from para 2 of order dated 4.10.2018)

5. Despite the fact that specific direction was given, the affidavit which is tendered today fails even to touch the question as to why cost should not be imposed.
6. The show cause against cognizance of contempt to which reply is given states that the file was being processed, etc.
7. In these premises for the present, we propose to deal with aspect of cost only.
8. The fact that the notice sent by applicant's advocate in the name to Dr Pradeep Vyas delivered in the office of Contemnor on 25.8.2018, is not replied.
9. Contemnor has failed to comment as to why the Advocate's notice has not been attended to/replied. Reply towards reason due to which Advocate's notice remained unattended is not furnished. It appears that the contemnor is prepared to pay cost, lest, an I.A.S Officer of the rank of Principal Secretary would not have omitted to pay attention to the show cause specifically issued.
10. The affidavit even does not contain a statement as to what steps would be taken to avoid lack of advertence to party's or Advocate's notice of proposed action for contempt.
11. Therefore, we propose to impose on him cost of Rs. 10,000/- which shall be paid by him personally within four weeks.
12. In so far as aspect of taking cognizance is concerned, we wish to express that the Government is often starving for want of good legal advice. This happens, not because good legal advice is not available, but also because most of the times it is not taken.
13. Had advice been taken, anybody would have guided the Government that it was duty of the contemnor to place on record, plead and disclose the date of knowledge of order to be complied with, disclose whatever steps were taken, time lost in movement of file and if there be some explanation for failure to

attend to the order and its compliance. Lapses, if any could have been candidly explained with an undertaking and assurance to overcome the delay in future. Nothing of this sort is coming forward.

14. We are conscious of the fact that the Government often starves of prudent and good legal advice. Therefore, we propose to give one more opportunity to the contemnor to offer any explanation to avoid an action of contempt.

15. We, therefore, suo moto adjourn the matter by four weeks leaving to the wisdom of the contemnor to file additional affidavit if advised.

16. S.O to 26th November, 2018.

17. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.

Sd/-
(P.N Dixit)
Member (A)

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

Place : Mumbai
Date : 30.10.2018
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

Original Application No. _____ of 20 _____

Date: _____

Page No. _____

(Advocate) _____

versus

The State of Maharashtra and others

Page No. _____

(Presenting Officer) _____

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

Tribunal's orders

Date: 30.10.2018

O. A. No.866 of 2018

P. M. Nalla

....Applicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri R. M. Kolge, the learned Advocate for the Applicant and Ms S. P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant proposes to have hearing on interim relief and seeks circulation for hearing before the Division Bench.

3. S.O. to 31.10.2018.

Sd/-

**(P. N. DIXIT)
MEMBER (A)**

VSM

DATE: 30/10/18

COM:

~~Hon. Justice Shri A. H. Inchi (Chairman)~~

~~Hon. J. P. N. Dixit Member (A)~~

APPEARANCE:

Shri/Smt. R. M. Kolge

Advocate for the Applicant

Shri/Smt. S. P. Manchekar

C. P. O. for the Respondents

Adv/S.O. to 31.10.18

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____

of 20 _____

Dated: _____

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 : 30.10.2018

O.A.No.729 of 2018

V.V. Doke

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

2. The matter pertains to suspension which is under challenge. However, today, learned P.O. has tendered letter issued by Government dated 30.10.2018 informing that the proposal for reinstatement of the Applicant is under consideration of the Government.

3. As such the mater being under consideration of the Government, the decision be likely to be issued within 2-3 days.

4. Learned P.O. for the Respondents is directed to take instruction and inform this Tribunal about further development in the matter.

5. S.O. to 2.11.2018.

DATE 30/10/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A
Shri A.P. Kurhekar, Member (J)

APPEARANCE:

~~Shri/Smt.~~ : Punam Mahajan

Advocate for the Applicant

~~Shri/Smt.~~ : A.J. Chougule

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

Adj./S.O. to 2/11/18

(Signature)

Sd/-

(A.P. Kurhekar)
Member (J)

sba

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

Original Application No. _____ of 20 _____

(Advocate)

versus

The State of Maharashtra and others

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders														
<p>DATE <u>30/10/18</u></p> <p>CORAM Hon'ble Shri P.N. DIXIT (Member) A Shri A.P. Kurhekar, Member (J)</p> <p>APPEARANCE: Shri/Smt. <u>Kishor Naik</u> h/f <u>S. Prabhune</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>1/11/18</u></p>	<p>Date : 30.10.2018</p> <p>O.A.No.1030 of 2017 with O.A.No.1031 of 2017 with O.A.No.1032 of 2017 with O.A.No.1033 of 2017 with O.A.No.1034 of 2017 with O.A.No.1049 of 2017 with O.A.No.1050 of 2017</p> <table border="0"> <tr><td>D.S. Patil</td><td>(O.A.No.1030 of 2017)</td></tr> <tr><td>S.D. Salunke</td><td>(O.A.No.1031 of 2017)</td></tr> <tr><td>A.G. Patil & Ors.</td><td>(O.A.No.1032 of 2017)</td></tr> <tr><td>S.J. Shinde</td><td>(O.A.No.1033 of 2017)</td></tr> <tr><td>S.P. Patil</td><td>(O.A.No.1034 of 2017)</td></tr> <tr><td>U.S. Patil</td><td>(O.A.No.1049 of 2017)</td></tr> <tr><td>S.S. Roopnawar</td><td>(O.A.No.1050 of 2017)</td></tr> </table> <p>.....Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Kishor Naik, the learned Advocate holding for Shri S. Prabhune, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. The matter will be heard on the next date i.e. on 1.11.2018 without fail.</p> <p>3. At the request of the learned Advocate for the Applicant, S.O. to 1.11.2018. No further adjournment will be given thereafter.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>sbm</p>	D.S. Patil	(O.A.No.1030 of 2017)	S.D. Salunke	(O.A.No.1031 of 2017)	A.G. Patil & Ors.	(O.A.No.1032 of 2017)	S.J. Shinde	(O.A.No.1033 of 2017)	S.P. Patil	(O.A.No.1034 of 2017)	U.S. Patil	(O.A.No.1049 of 2017)	S.S. Roopnawar	(O.A.No.1050 of 2017)
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S.S. Roopnawar	(O.A.No.1050 of 2017)														

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>30/10/18</u></p> <p><u>CORAM</u> Honble <u>Shri P.N. DIXIT (Member) A</u> <u>Shri. A.P. Kurhekar, Member (J)</u></p> <p><u>APPEARANCE:</u> <u>Shri/Smt. : P. Mahajan</u> Advocate for the Applicant</p> <p><u>Shri/Smt. : K.S. Gaikwad</u> <u>G.P.O.P.O. for the Respondent/s</u></p> <p>Adj./S.O. to <u>1.11.18</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>Date : 30.10.2018</p> <p style="text-align: right;">O.A.No.968 of 2018</p> <p>Dr. S.D. BhosaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. P. Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents. 2. Issue notice returnable on 1.11.2018. 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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 1.11.2018. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>gba</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI.**

Original Application No. _____ of 20 _____
(Advocate)

versus

The State of Maharashtra and others

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p> <p>DATE <u>30/10/18</u></p> <p>CORAM Hon'ble Shri P.N. DIXIT (Member) A Shri. A.P. Kurhekar, Member</p> <p>APPEARANCE: Shri/Smt. <u>R.M. Kolge</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>A.J. Chougule</u> G.P.O./P.O. for the Respondents</p> <p>Adj./S.O. to <u>20/11/18</u></p>	<p>Tribunal's orders</p> <p>Date : 30.10.2018</p> <p>O.A.No.825 of 2017</p> <p>S.S. SawantApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>2. By order dated 27.7.2018, the Respondent No.3 was directed to reconsider the order of dismissal in the light of the judgement of Hon'ble High Court and take decision within the period of two months from the date of this order.</p> <p>3. However, till date no communication has been filed.</p> <p>4. At the request of the learned P.O. for the Respondents, two weeks time is granted to file short affidavit about the decision of the Respondent No.3 in terms of order dated 27.7.2018.</p> <p>5. S.O. to 20.11.2018.</p> <p>Sd/- (A.P. Kurhekar) Member (J)</p>
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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____
(Advocate _____)

versus

The State of Maharashtra and others

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Comm. Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's order</p> <p>Date : 30.10.2018</p> <p>O.A.No.267 of 2018</p> <p>Dr. M.K. BarveApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. In this matter by way of interim relief the suspension of the Applicant has been stayed. In view of the order of stay, the salary of the Applicant required to be paid. However, it was not paid yet.</p> <p>3. Learned P.O. for the Respondents has tendered letter of Chief Administrative Officer, Directorate of Health Services, Mumbai dated 30.10.2018 whereby directions have been issued to release the pay and allowances from 3.4.2018.</p> <p>4. However, Shri B.A. Bandiwadekar, the learned Advocate for the Applicant pointed out that the suspension order has been stayed by order dated 27.3.2018 and therefore, pay and allowance needs to be paid from the date of stay order i.e. on 27.3.2018.</p> <p>5. In view of this, learned P.O. seeks two weeks time to clarify as well as to file reply to the O.A.</p> <p>6. S.O. to 28.11.2018.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>
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DATE 30/10/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A
Shri A.P. Kurhekar, Member (J)

APPEARANCE:

Shri Smt. B.A. Bandiwadekar

Advocate for the Applicant

~~Shri Smt. K.S. Gaikwad~~

~~Presenting Officer for the Respondent/s~~

Adv/S.O. to 28/11/18

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

Tribunal's orders

Date : 30.10.2018

M.A.No.578 of 2018 in O.A.No.336 of 2018

R.D. Akrupe

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 19.11.2018.

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 M.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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, MA shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 19.11.2018.

DATE 30/10/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A
Shri. A.P. Kurhekar, Member (J)

APPEARANCE:

Shri/Smt. K.R. Jagdale

Advocate for the Applicant

Shri/Smt. Ms. N.G. Gohad

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

Adj./S.O. to 19/11/18

Sd/-

(A.P. Kurhekar)
Member (J)

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

Tribunal's orders

Date : 30.10.2018

M.A.No.535 of 2018 in O.A.No.901 of 2018

S.A. MhamunkarApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri P.L. Rathod, learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents.
2. Issue notice returnable on 4.12.2018.
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 M.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. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, MA shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.O. to 4.12.2018.

Sd/-

(A.P. Kurhekar)
Member (J)

sba

DATE 30/10/18

CORAM

Hon'ble ~~Shri P.N. DIXIT (Member A)~~
Shri A.P. Kurhekar
Member (J)

APPEARANCE:

Shri/Smt. P.L. Rathod

Advocate for the Applicant

Shri/Smt. S.D. Dole

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

Adj./S.O. to 4/12/18

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>30/10/18</u></p> <p>CORAM Hon'ble <u>Shri P.N. DIXIT (Member) A-</u> <u>Shri. A.P. Kurhekar</u> Members (J)</p> <p>APPEARANCE: Shri/Smt. <u>A.A. Deshpande</u></p> <p>Advocate for the Applicant Shri/Smt. <u>S.D. Dole</u> C.P.O./P.O. for the Respondent/s</p> <p>Adt./S.O. to <u>4.12.18</u></p>	<p>Date : 30.10.2018</p> <p>O.A.No.965 of 2018</p> <p>S.S. NimangareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.A. Deshpande, learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents. 2. Issue notice returnable on 4.12.2018. 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. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.D. to 4.12.2018. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>gba</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>30/10/18</u></p> <p>CORAM</p> <p>Hon'ble Shri P.N. DIXIT (Member) A Shri. A.P. Kurhekar, (Member/J)</p> <p>APPEARANCE:</p> <p>Shri/Smt. P.Y. Shinde, Applicant In Person. Advocate for the Applicant</p> <p>Shri/Smt. A.J. Chougule, C.P.O./P.O. for the Respondent/s</p> <p>Adt./S.O. to <u>4/12/18</u></p>	<p>Date : 30.10.2018</p> <p>O.A.No.930 of 2018</p> <p>P.Y. ShindeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri P.Y. Shinde, Applicant in person and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. Issue notice returnable on 4.12.2018. 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. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 4.12.2018. <p>Sd/- (A.P. Kurhekar) Member (J)</p> <p>sba</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

(Advocate)

versus

The State of Maharashtra and others

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>30/10/18</u></p> <p>CORAM Hon'ble <u>Shri P.N. DIXIT (Member A)</u> <u>Shri A.P. Kurhekar (Member B)</u></p> <p>APPEARANCE: Shri/Smt. None for the Applicant. Advocate for the Applicant</p> <p>Shri/Smt. S.D. Dole C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>4/12/18</u></p> <p><i>[Signature]</i></p>	<p>Date : 30.10.2018</p> <p>O.A.No.112 of 2018</p> <p>J.P. MadyeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the Applicant. Heard Shri S.D. Dole, the learned Presenting Officer for the Respondents.</p> <p>2. The Respondents have already filed affidavit-in-reply.</p> <p>3. As the pleadings are completed the matter is admitted and fixed for final hearing on 4.12.2018.</p> <p>4. S.O. to 4.12.2018.</p> <p>Sd/- <i>[Signature]</i> (A.P. Kurhekar) Member (J)</p> <p>sba</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____
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 : 30.10.2018

O.A.No.1044 of 2017

H.G. ChopadeApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. As the pleadings are completed the matter is admitted and fixed for final hearing.

3. The present matter is short and the matter being on 2017 needs to be decided at the earliest.

4. Hence, the matter be kept for final hearing high on board on 27.11.2018.

DATE 30/10/18

CORAM
Hon'ble ~~Shri P.N. DIXIT (Member) A~~
~~Smt. A.P. Kurhekar~~
Member (J)

APPEARANCE:
Shri/Smt. V.V. Joshi

Advocate for the Applicant
~~Smt. Archana B.K.~~
C.P.O./P.O. for the Respondent/s

Adj./S.O. to 27/11/18

HOB
(Signature)

Sd/-
w
(A.P. Kurhekar)
Member (J)

sba

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____
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 : 30.10.2018

O.A.No.617 of 2018

S.V. Pardeshi

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri S.H. Pandhre, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Today, short affidavit-in-reply has been filed on behalf of the Applicant in respect of the issue of suspension raised by the Respondent in their reply.

3. Basically, Applicant is challenging the transfer order dated 30.5.2018. However, in the reply it is contended that during of the matter, Applicant has been suspended by order dated 20.7.2018.

4. In the background, learned Advocate for the Applicant seeks time to take proper instructions from the Applicant and to decide as to whether he wants to continue with the O.A. in view of suspension of the Applicant.

5. S.O. to 27.11.2018.

Sd/-

(A.P. Kurhekar)
Member (J)

sb

DATE 30/10/18

CORAM

Hon'ble Shri P.N. DIXIT (Member) A
Shri A.P. Kurhekar Member (J)

APPEARANCE:

Shri/Smt. S.H. Pandhre

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

G.P.O. for the Respondent/s

Ad./S.O. to 27/11/18

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

Date: _____

Page No. _____

(Advocate)

versus

The State of Maharashtra and others

Page No. _____

(Presenting Officer:.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>30/10/18</u></p> <p>CORAM Hon'ble <u>Shri P.N. DIXIT (Member A)</u> <u>Shri A.P. Kurhekar, Member (J)</u></p> <p>APPEARANCE: <u>Shri/Smt. M.R. Patil</u>..... Advocate for the Applicant</p> <p><u>Shri/Smt. A.J. Chougule</u> C.P.O./P.O. for the Respondents</p> <p>Adv./S.O. to <u>30/11/18</u></p> <p style="text-align: right;"><i>(A/C)</i></p>	<p>Date : 30.10.2018</p> <p>O.A.No.797 of 2017</p> <p>Dr. P.M. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.R. Patil, learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>2. The Respondent Nos.1 & 2 have already filed their affidavit-in-reply which is at page No.140 to 170.</p> <p>3. As the pleadings are completed, the matter is admitted and kept for final hearing on 30.11.2018.</p> <p>4. In the meantime, liberty is granted to the Applicant to file rejoinder.</p> <p>5. S.O. to 30.11.2018.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>sb</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____
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 order
<p>DATE <u>30/10/18</u></p> <p>CORAM Honble Shri P.N. DIXIT (Member A) Shri A.P. Kurhekar, Member (J)</p> <p>APPEARANCE: Shri/Smt. <u>R.M. Kolge</u>..... Advocate for the Applicant</p> <p>Shri/Smt. <u>Archana B.K.</u> C.P.O. for the Respondent/s D.A. is admitted. Adj./S.O. to <u>5/12/18</u>.....</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>Date : 30.10.2018</p> <p>O.A.No.629 of 2018</p> <p>T.B. VhanmaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.</p> <p>2. Respondents have already filed reply which is at page no.67.</p> <p>3. As the pleadings are completed the matter is admitted and adjourned for final hearing on 5.12.2018.</p> <p>4. In the meantime, liberty is granted to the Applicant for file rejoinder,</p> <p>5. S.O. to 5.12.2018.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member (J)</p> <p>sba</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE <u>30/10/18</u></p> <p>CORAM Hon'ble <u>Shri P.N. DIXIT (Member A)</u> <u>Shri. A.P. Kurhekar, Mumbai</u></p> <p>APPEARANCE: Shri/Smt. <u>A.V. Bandiwadekar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>A.J. Chougule</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>27/11/18</u></p>	<p>Date : 30.10.2018</p> <p>O.A.No.266 of 2018</p> <p>K.S. KulkarniApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. The issue involved in the matter is about grating time bound promotion and consideration of earlier temporary service along with regular service of the Applicant for time bound promotion. 3. Learned Advocate for the Applicant invited my attention to various judgments passed by this Tribunal, confirmed by the Hon'ble High Court and Hon'ble Supreme Court to point out that the legal position is <u>settled</u> and the Respondents are killing the time depriving the Applicant from Time bound promotion. 4. Whereas, the learned P.O. for the Respondents submits that the matter is under consideration at Government level and it may take some time to take final decision. 5. Learned P.O. for the Respondents requests for three weeks time which is opposed by the learned Advocate for the Applicant. 6. It appears that the issue raised in present O.A. was subject matter of earlier O.A.s and <u>relief was</u> granted to the Petitioner in these matters. 7. Inspite of this, learned P.O. for the Respondents sought to contend that the facts of the these matters are slightly different and therefore, he wants to file reply. 8. Three weeks time is granted to file reply as a last chance. 9. On the next date the said matter will be taken for final hearing. 10. S.O. to 27.11.2018. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>

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

Tribunal's orders

Date : 30.10.2018

O. A. No.40 of 2018 with M.A.214/18 with
M.A.215/18 with O.A.41/18 with M.A.216/18 with
M.A.217/18 with O.A.57/18 with O.A.161/18 with
O.A.163/18 with O.A.332/18 with O.A.347/18 with
O.A.348/18 with O.A.349/18 with O.A.357/18 with
O.A.361/18 with O.A.381/18 with O.A.382/18 with
O.A.383/18 with O.A.425/18 with O.A.443/18 with
O.A.510/18 with O.A.512/18

M. C. Patil & Ors. Applicants

Versus

The State of Maharashtra & Ors. Respondents.

1. Heard Shri Akash Katecha holding for Shri A. R. Rathod, the learned Advocate for the Applicants (O.A.Nos.40, 41, 347, 348, 349/2018), Shri C. T. Chandratre, the learned Advocate for the Applicants (O. A. Nos. 57, 443/18), Shri C. R. Nagare, the learned Advocate for the Applicants (O.A.Nos.161, 163, 332, 361, 381, 382, 383, 425, 510 & 512/18), Shri K. R. Jagdale, the learned Advocate for the Applicant (O.A.No.357/18) and Ms S. P. Manchekar, the learned Chief Presenting Officer, Shri N. K. Rajpurohit, Smt. Archana B. K., Ms N.G. Gohad, Smt. Kranti Gaikwad, Shri K. B. Bhise, the learned Presenting Officer for the Respondents, Ms V. Maindad holding for Shri A. A. Desai, the learned Advocate for the Respondents (O.A.392/18-Res.74, 86, O.A.381/18 -Res.18, 6, O.A.41/18 - Res.18, 6, O.A.443/18-Res.4 to 7), Shri N. P. Dalvi, Spl. Counsel for M.P.S.C., Shri A. V. Bandiwadekar, the learned Advocate for Respondent No.4 (O.A.57, 161 & 163/18) and Shri S. S. Dere, the learned Advocate for Pvt. Respondent (O.A.Nos.347, 348, 349/2018),

2. Learned Advocate Shri Akash Katecha holding for Shri A. R. Rathod, learned Advocate for the Applicants mentions that identical matter is closed for hearing before the Hon'ble Bench at Aurangabad High Court. He, therefore, proposes to postpone the hearing till decision from the Hon'ble Bench at Aurangabad High Court.

3. Shri B. A. Bandiwadekar, learned Advocate for Respondents in O.A. No.57, 161 and 163/18 files his reply for respondent no.4.

4. S.O. to 05.12.2018.

DATE: 30/10/18

CORAM:

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

Hon'ble Shri P. N. Dixit Member (A)

APPEARANCE:

Shri/Smt. : A. R. Rathod, Akash Katecha for A.R. Rathod / CR Jagdale / Jagdale
Advocate for the Applicant

Shri/Smt. : S. P. Manchekar / Gohad
C.P.O./P.O. for the Respondents K.B. Bhise

Adj./S.O. to Head

order passed in
Tribunal column.

50/0 51/12/18.

Sd/-

(P.N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____

of 20 _____

Dated _____

Applicant/s _____

(Advocate A. J. Chougule)

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: 30.10.2018

R. A. No.18 of 2018 O. A. No.668 of 2018

Director of Medical Edu. & Ors.Applicants

-Versus

A. R. ShaikhRespondent.

DATE: 30/10/18

CORAM:

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

Hon'ble Shri P. N. Dixit Member (A)

APPEARANCE:

Shri/Smt. A. J. Chougule
(Ori-App.)

Advocate for the Applicant

Shri/Smt. L. S. Deshmukh
C.F. J.P.O. for the Respondent's (Ori-Applicant)

Adj./S.O. to 01/11/18

1. Heard, Shri A. J. Chougule, the learned Presenting Officer and for the Applicants (Ori. Respondents) and Shri L. S. Deshmukh the learned Advocate for the Respondent (Ori. Applicant).

2. Learned P.O. for the Applicant (Ori. Respondent) seeks adjournment.

3. Learned Advocate for the Respondent (Ori. Applicant) opposes to further adjournment of the matter.

4. S.O. to 01.11.2018.

Sd/-

(P. N. DIXIT)
MEMBER (A)

VSM

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____
Applicant/s


(Advocate)

versus

The State of Maharashtra and others

Respondent/s

(Presenting Officer.....)

Office Notes, Office Memorandm of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE : 30/10/18</p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A)</p> <p>APPEARANCE : Shri Smt. Punam Mahajan</p> <p>Advocate for the Applicant</p> <p>Shri/Smt. N. G. Gohad C. P.O. for the Respondent's</p> <p>Ad/ S.O. to <u>Heard</u> admit and kept for final hearing in due course.</p> 	<p>Date : 30.10.2018</p> <p>O. A. No.519 of 2018</p> <p>S. N. HajareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms N. G. Gohad, the learned Presenting Officer for the Respondents 1 to 4. None for Respondent No.5. 2. Learned P.O. files reply on behalf of the Respondent Nos.1 to 4. The same is taken on record. 3. Original Application is admitted and kept for final hearing in due course. <p style="text-align: right;">Sd/- (P. N. DIXIT) MEMBER (A)</p> <p>VSM</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ Date: _____
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 : 30.10.2018

O. A. No.589 of 2018

H. D. NagolkarApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned P.O. seeks adjournment for one week to file reply.

3. S.O. to 26.11.2018.

Sd/-
(P. N. DIXIT)
MEMBER (A)

VSM

DATE : 30/10/18
CORAM :
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri P. N. Dixit Member (A)
APPEARANCE:
Shri/Smt. : K. R. Jagdale

Advocate for the Applicant

Shri/Smt. : Archana B. K.
C.P.O. for the Respondents

Adj./S.O. to 26.11.18



(4)

(G.C.P.) J 2260 (A) (50,000-2-2015)

15.11.2018

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

Original Application No. _____ of 20____

Date: _____

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
<p>DATE: 30/10/18</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A)</p> <p>APPEARANCE: Shri/Smt. R. M. Kolge</p> <p>Advocate for the Applicant Shri/Smt. Archana B. K. with Ms S. Suryawanshi P.O. for the Respondents</p> <p>Adj/S.O. to 20/11/18</p> <p>order passed in Tribunal column, S.O. to 20/11/18.</p> <p>(with O.A. 815/17)</p>	<p>Date : 30.10.2018</p> <p>O. A. No.795 of 2017 with O.A. 815 of 2017</p> <p>S. P. Jagtap & Anr.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R. M. Kolge, the learned Advocate for the Applicants and Smt Archana B. K. with Ms S. Suryawanshi, the learned Presenting Officers for the Respondents. None for Respondent No.4. 2. Learned P.O. files reply to the amended O.A.. She mentions that as far as O.A.No.815/2017 is concerned, the certificate of competency has been sent to the concerned department on 24.10.2018 for verification. 3. Learned P.O. should ensure that the verification process is completed on priority. 4. Meanwhile, learned Advocate for the Applicant proposes to file Rejoinder. Permitted. 5. S.O. to 20.11.2018. <p style="text-align: right;">Sd/- (P. N. DIXIT) MEMBER (A)</p> <p>VSM</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No of 20
.....
.....

(Advocate

versus

The State of Maharashtra and others

.....

(Presenting Officer.....)

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

Tribunal's orders

Date : 30.10.2018

M. A. No.484 of 2018 with M.A. No.485 of 2018 in
O.A. No.984 of 2017

R. N. Fulzele & Ors.Applicants

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned Advocate for the Applicants seeks liberty
to carry out the amendment for the reasons stated
there in the O.A. No.984/2017.

3. Liberty is granted.

4. Misc. Application No.484/2018 is allowed.

5. As far as M.A.No.485/18 is concerned, learned P.O.
contends that the same should be taken up during the
final hearing. He seeks adjournment to file reply.

6. S.O. to 27.11.2018 in M.A. No.485/2018.

Sd/-

(P. N. DIXIT)
MEMBER (A)

DATE: 30/10/18
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri P. N. Dixit Member (A)
APPEARANCE:
Shri/Smt. : A. N. Naikwadi

Advocate for the Applicant
Shri/Smt. : A. J. Chougule
C.F./P.O. for the Respondents

Adj/S.O. to heard
m.a 484/18 is
allowed.
s.o to 27.11.18 in
m.a 485/18.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ Date of filing _____
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 : 30.10.2018

**M. A. No.486 of 2018 with M.A. No.101 of 2018 in
O. A. No.132 of 2018**

V. S. Zarekar & Ors.Applicants

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned P.O. proposes to have hearing of the matter along with M.A. No.484/18 with M.A.485/18 in O.A.984/17 as the issue is similar.

3. Learned Advocate for the Applicant seeks permission to withdraw M.A. No.101/2018.

4. Permission granted.

5. M.A. No.101/2018 is disposed off as withdrawn.

6. S.O. to 27.11.2018 in M.A. No.486/18 in O.A.132/18.

DATE: 30/10/18

CORAM:

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

Hon'ble Shri P. N. Dixit Member (A)

APPEARANCE:

Shri/Smt. : A. N. Naikwadi

Advocate for the Applicant

Shri/Smt. : A. J. Chougule

Cf. P.O. for the Respondents

Adj. S.O. to : Head

m.a 101/18 is disposed

off as withdrawn.

S.O to 27/11/18 in

MA 486/18 in OA 132/18.

Sd/-

(P. N. DIXIT)
MEMBER (A)

4

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

Page No. _____

Case No. _____

(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 : 30.10.2018

O. A. No.790 of 2018 with O.A.482 of 2018

V. R. Thok & Anr.Applicants

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri B. A. Bandiwadekar, the learned Advocate for the Applicants and Ms S. P. Manchekar, the learned Chief Presenting Officer with Smt. Kranti Gaiwad, learned Presenting Officer for the Respondents.

2. Learned C.P.O. files reply in O.A. No.482 of 2018 on behalf of the M.P.S.C..

3. As far as O.A.No.790 of 2018 is concerned, Learned C.P.O. proposes to file the same before 26.11.2018.

4. S.O. to 28.11.2018.

Sd/-
(P. N/ DIXIT)
MEMBER (A)

VSM

DATE : 30/10/18

CORAM :

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

Hon'ble Shri P. N. Dixit Member (A)

APPEAR :

Shri B. A. Bandiwadekar

Adv. for Applicant

Smt. S. P. Manchekar with Smt. Kranti Gaiwad

C. P.O. for the Respondents

Adv. S.O. to 28/11/18

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

(Advocate)

versus

The State of Maharashtra and others

(Presenting Officer.....)

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

Tribunal's orders

Date : 30.10.2018

O. A. No.815 of 2018

K. P. Gholap & Ors.Applicants

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri M. a. Choudhari, learned Advocate for the Applicants and Ms S. P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. seeks adjournment for filing the reply.

3. S.O. to 22.11.2018.

Sd/-
(P. N. DIXIT)
MEMBER (A)

VSM

DATE : 30/10/18

CORAM :

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

Hon'ble Shri P. N. Dixit Member (A)

APPEARANCE :

Shri/Smt. : P. N. Choudhari

Advocate for the Applicant

Shri/Smt. : S. P. Manchekar

C. P.O. for the Respondents

Adj./S.O. to 22/11/18

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

Original Application No. _____ of 20 _____

Date: _____
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: 30.10.2018

O. A. No.663 of 2018

A. S. KurundkarApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms N. G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. seeks four weeks time to file reply.

3. S.O. to 22.11.2018.

DATE: 30/10/18

CORAM:

Hon'ble Justice ~~Shri A. H. Joshi (Chairman)~~
Hon'ble Shri P. N. Dixit Member (A)

APPEARANCE:

Shri/Smt. Punam Mahajan

Advocate for the Applicant

Shri/Smt. N. G. Gohad

C. P.O. for the Respondent/s

Adv./S.O. to 22.11.18

2

Sd/-

(P. N. DIXIT)
MEMBER (A)

VSM

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

1999

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 : 30.10.2018

O. A. No.795 of 2017 with O.A. 815 of 2017

S. P. Jagtap & Anr.

....Applicants

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri R. M. Kolge, the learned Advocate for the Applicants and Smt Archana B. K. with Ms S. Suryawanshi, the learned Presenting Officers for the Respondents. None for Respondent No.4.

2. Learned P.O. files reply to the amended O.A.. She mentions that as far as O.A.No.815/2017 is concerned, the certificate of competency has been sent to the concerned department on 24.10.2018. *for verification*

3. Learned P.O. should ensure that the verification process ~~will be~~ *is* completed ~~in~~ priority.

4. Meanwhile, learned Advocate for the Applicant proposes to file Rejoinder. *Permitted.*

5. S.O. to 20.11.2018.

Sd/- :

(P. N. DIXIT)
MEMBER (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

Advocate.....

versus

The State of Maharashtra and ors.

Presenting Officer.....

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

DATE: 30/10/18
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri P. N. Dixit Member (A)
APPEARANCE:
Shri/Smt. : None for the Applicant

Advocate for the Applicant

Shri/Smt. : A. J. Chougule
C.F./P.O. for the Respondent/s

Adv/S.O. to 19/11/18

Date : 30.10.2018

O. A. No.180 of 2017

R. A. KonapureApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. None for the Applicant. Heard Shri A. J. Chougule, the learned Presenting Officer for the Respondents.
2. Learned P.O. seeks one week's adjournment for filing Affidavit-in-Reply on behalf of the respondents.
3. S.O. to 19.11.2018.

Sd/-
(P. N. DIXIT)
MEMBER (A)

VSM

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

(Advocate)

versus

The State of Maharashtra and others

(Presenting Officer.....)

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

Tribunal's order

Date : 30.10.2018

M. A. No.384 of 2018 in O. A. No.695 of 2018

N. K. Chavan & Ors.Applicants

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri C.T. Chandratre , the learned Advocate for the Applicants and Ms S. P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents seeks adjournment to file Affidavit-in-Reply.

3. -S.O. to 02.11.2018

Sd/-
(P. N. DIXIT)
MEMBER (A)

VSM

DATE : 30/10/18

CORAM :

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

Hon'ble Shri P. N. Dixit Member (A)

APPEARANCE:

Shri/Smt. : C.T. Chandratre

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

C.F. C.P.O. for the Respondents

Adt./S.O. to 21/11/18

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

30.10.2018**O.A 394/2018 with M.A 472/2018**

Shri S.B Rathod & Others

... Applicant

Vs.

The State of Maharashtra & Ors

... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicants, Ms Swati Manchekar, learned C.P.O for the Respondent, Dr Gunratan Sadavart, learned advocate for private Respondents and Shri D.B Khaire, learned advocate for Res. nos 69, 88 & 161.

2. Learned P.O has tendered affidavit sworn by Shri Venkatesh M Bhat, Deputy Secretary, Home Department, stating that:-

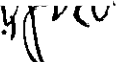
"4. I say and submit that rule 3(b) covers appointment by selection on the basis of limited departmental examination held by the Maharashtra Public Service Commission. In view of this Government has considered that this is not a promotion and took decision that as per the assurance given in this regard 154 candidates who had completed training have to be appointed as Police Sub-Inspector."

3. Learned P.O was called to state as to whether orders are issued. Learned C.P.O prays for time to make a statement.

4. S.O to 31.10.2018.



Sd/-

(A.H Joshi, Jy) 
Chairman

DATE : 30/10/2018

CORAM :

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

APPEARANCE:

Shri K.R. Jagdale

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

C.P.O. for the Respondent/s

Dr. Gunratan Sadavart Ld. Adv. for
Respondents.Shri D.B. Khaire Ld. Adv. for
R.to. 69, 88 & 161.

S.O. to 31/10/2018



Akn

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

DATE : 30/10/2018

CORAM :

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

APPEARANCE:

Shri/Smt. : M.A. Chaudhary

Advocate for the Applicant

Shri/Smt. : S.P. Manchekar
C.P.O./P.O. for the Respondent/s

Ad./S.O. to 31/10/2018

prk

Date : 30.10.2018.

M.A.No.569 of 2018 in O.A.No.736 of 2018

D.K. Shinde & Ors.

...Applicants.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri M.A. Chaudhary, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.
2. Learned C.P.O. for the Respondents states that reply filed in O.A.No.736 of 2018 be read as common reply in all Original Applications including O.A.No.734 of 2018, O.A.No. 787 of 2018, O.A.No.792 of 2018, O.A.No.793 of 2018, O.A.No.517 of 2018, O.A.No.830 of 2018, O.A.No.815 of 2018 and O.A.No.804 of 2018. These Original Applications can be heard finally.
3. For final hearing S.O. to 31.10.2018.

Sd/-

(A.H. Joshi J.)
Chairman

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 916 OF 2016

DISTRICT : MUMBAI

M.B Patil & Others)...Applicants

Versus

The State of Maharashtra & Others,) ...Respondent

With

MISC APPLICATION NO. 463 OF 2018

IN

ORIGINAL APPLICATION NO. 916 OF 2016

Shri Ajinkya Padwal)... Applicant
(Ori. Res.no. 9)

In the matter of

M.B Patil & Others)...Applicants

Versus

The State of Maharashtra & Others,) ...Respondent

Smt Punam Mahajan, learned advocate for the Applicants.

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

Shri Vagish Mishra i/b Shri Akhilesh Dubey, learned advocate for Respondents no 8, 9, 10, 13 & 15.

CORAM : **Shri Justice A.H Joshi (Chairman)**
Shri P.N Dixit (Member) (A)

DATE : **30.10.2018**

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

ORDER

1. Heard Smt Punam Mahajan, learned advocate for the Applicants, Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents and Shri Vagish Mishra i/b Shri Akhilesh Dubey, learned advocate for Respondents no 8, 9, 10, 13 & 15.

2. Learned C.P.O for the Respondents on instructions states that as regards the decision on objections to the provisional seniority list, the opinion of Law &



Judiciary Department was sought, which is received and now the file is sent to G.A.D for their comments and decision.

3. The Government has been time and again urging before this Tribunal that they want to finalize the seniority list so that promotion of officers to higher posts can be done as personnel on higher posts are required for election work.

4 Therefore, learned C.P.O is directed to take instructions and make a statement tomorrow as to the time frame within which G.A.D would conclude the action at its level.

5. Learned advocate for the applicants states that applicants in the Original Applications are under confusion as to whether ^{their} grievance is redressed, because they are not being disclosed as to whether the review of seniority of the cadre of Tahsildars which was required to be done with reference to provisional seniority list for the period 1990 to 1993 dated 3.3.2018.

6. The anxiety of the applicants appears to be because of lack of supply of information.

7. It shall be appropriate if the applicants make suitable representation to G.A.D for considering their grievances, which shall be the right forum. If any such representation is made the same shall be taken into account by G.A.D.

8. S.O to 31.10.2018 for statement to be made by learned C.P.O.

9. Steno copy and Hamdast is granted. Learned C.P.O is directed to communicate this order to the Respondents.

Sd/-
(P.N. Dixit)
Member (A)

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

Place : Mumbai
Date : 30.10.2018
Dictation taken by : A.K. Nair.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.921 of 2018

R.M. Jadhav

....Applicant.

Versus

Maharashtra Public Service Commission

.....Respondents.

Shri N.D. Pote, the learned Advocate for the Applicant.

Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman
Shri P.N. Dixit, Member(A)

DATE : 30.10.2018.

PER : Justice Shri A.H. Joshi, Chairman

ORDER

1. Heard Shri N.D. Pote, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 14.12.2018.
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 D.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. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. Heard on the point of ex-parte ad-interim relief.
9. Parties agree that it shall be convenient to refer to Set B, copy of answer whereof is at page 32 to 39.
10. We have heard this case even yesterday and what had transpired is as follows :-
- (a) Question paper contained 50 questions.
 - (b) There were four set of papers.
 - (c) All questions in all four sets were concurrent, except alternation of sequence thereof.
 - (d) Examination is with book.
 - (e) Answer in the model key to Question No.13 was modified from option of 6 weeks to option of 7 weeks.
 - (f) The case proceeds on absolute vivid background namely printed copy of leave rules as in published in Government publication as well as private publication is prescribed by Rules 74(5) text of the said rule is as follows :-
 - (5) *Leave under this rule shall be admissible in a case of mis-carriage or abortion, including abortion induced under the Medical Termination of Pregnancy Act, 1971, subject to the following conditions :-*
 - (a) *the leave does not exceed six weeks, and*
 - (b) *the application for the leave is supported by a medical certification.*

(Quoted Rule 74(5), page 38, from MCS (leave) Rules, 1981)
 - (g) According to M.P.S.C., Question No.29 was omitted due to error in its formation, which had resulted in misleading candidates while answering.
 - (h) As per Rule 74 of Maharashtra Civil Services (Leave) Rules, 1981 (as are printed in the latest Government publication) the period of leave available for mis-carriage or abortion or medical termination of pregnancy is upto six weeks.
 - (i) As per Government Resolution dated 28.07.1995 the concession of leave has been extended with outer limit of 45 days.

- (j) Formation of Question No.13 as referable to duration of "weeks" and than outer limit of "days".
- (k) Applicant had answered Question No.13 by filling in the dot of "सहा".
- (l) If reply given by the Applicant which is in accordance with rule as available, is accepted, 13 candidates would qualify for interview as per present bench mark and two candidates would go out of field of consideration as they would fall below bench mark.
- (m) Interviews are in process. 15 candidates were to be interviewed today and 15 candidates shall be interviewed on 01.11.2018.
- (n) Applicant would stand chance for being called for interview as he would fall within 13 candidates.

11. In the aforesaid background, it is evident that the answer attempted by the applicant is in concurrence with statutory rules as available as published and as printed.

12. Since the applicant has made out the case by demonstrating that he would qualify if his reply is accepted, or question No.13 is deleted either.

13. Hence, Applicant is entitled for interim relief. Denial of relief would result in irreparable prejudice.


14. In view that we have heard the case for ex-parte, ad interim relief, we propose to order in such manner that interest of the candidates who are not before this Tribunal as well is taken care of.

15. We, therefore, by way of ex-parte ad interim relief order as follows :-

- (a) M.P.S.C. shall call the applicant for interview and conduct the same.
- (b) All other candidates who stands chance for interview as well as who may be in the list chance (13) and also two who may get deleted as well be called for the interview.
- (c) Outcome may of interviews be declared but should not be acted upon.
- (d) Further directions as regards declaration of results would be given after respondent file affidavit-in-reply.

16. Steno copy and Hamdast is allowed to learned P.O..
17. Learned P.O. is directed to communicate this order to the Respondent.
18. S.O. to 14.12.2018.

Sd/-
(P.N. Dixit)
Member(A)

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

prk

versus

The State of Maharashtra and Ors.

(Presenting Officer.....)

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

Date: 30.10.2018

Date : 30.10.2018

O. A. No.859 of 2018

R. D. Kekan

....Applicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri M. B. Kadam, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.
2. Learned P.O. seeks short adjournment.
3. S.O. to 31.10.2018.

DATE : 30/10/2018

CORAM : Shri P. N. DIXIT (C/M/A)
Hon'ble Justice Shri A. H. Joshi (Chairman)

APPEARANCE:

Shri M. B. Kadam

Advocate for the Applicant

Shri/Smt. S. Suryawanshi

C.P.O. for the Respondents

Adj./S.O. to 31/10/2018

Sd/-

(P. N. DIXIT)
MEMBER (A)

VSM

[Handwritten signature]