(p) 1/22(0)(B) (50,000—2-2015)

ISpl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

MARAZCA, No.

of 20

JN

Telemal Application No.

of 20

FARAD CONTINUATION SHEET NO.

Moles Notes, Office Memoranda of Coram. Concarance, 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

- Heard Ms. M.A. Gowalani, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officers for Respondents.
- 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.
- 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.
- The learned Advocate for the Applicant urged 4. 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.
- 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

limited one, be considered. Therefore, this O.A. can be disposed of by issuing suitable directions to Respondent No.1.

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

Sd/-

(A.P. Kurhekar) Member-J 30.10.2018

Shri P.N. DIXIT (Member) A

Assumate for the Applicant

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Spl. MAT-F-2 E

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M. A.AR.A.AC.A. No.

of 20

IN

School Application No.

of 20

FARAD CONTINUATION SHEET NO.

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Tribunal's orders

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

Shri S.D. Gulekar & Ors.

... Applicants

V5.

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

- 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.
- 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.
- 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.
- 9. It being continuing cause of action recurring day to day, the delay is condoned. The Misc. Application stands disposed of accordingly.

Sd/-

(A.P. Kurhekar) Member-J 30,10.2018

(skw)

Early ShiPN DIXIT (Mamber) A
Their A. P. / Les he / 2 car

Advocate for the Applicant

CONTROL N.G. Gohac CHOP.O. for the Respondent/s

Adjsono M.A. is disposed

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

Original Application No.970 of 2018

D.K. Shinde

)Applicant

Versus

The State of Maharashtra & Ors.

)....Respondents

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.
- 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

NOTHE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

T. R.A. C.A. No.

of $2\bar{0}$

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d Application No.

of 20

FARAD CONTINUATION SHEET NO.

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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 Disputed of.

Sd/-

(A.Þ. Kurhekar) Member-J 30.10.2018

(skw)

DATE BOLIDIES

solis Shri P.N. DIXIT (Momber) A Slui. A. P. (Leen Le Leen, Vauloercy)

HEFEARANCE:

of cessia for the Applicant

A.J. chocagale

ALLOW M.A. is disposed

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.

No order as to costs.

Sd/-

(A.P. Kurhekar) Member-J 30.10.2018

MATE 80/10/18

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(G.C.P.) J 2266 (A) (50,000-2-2015)

IN THE MAHARASHTRA ADMINISTRATIVE PREBLINGS MUMBAI

Original Application No.	of 20 Carte Control of the Control o
	Sivericant.
(Advocate)
	versus
The Stat	of Maharashtra and others
Presenting Officer	The form of the second
Office Notes, Office Memoranda of Coraci, Appearance, Tribunal's orders no directions, and Registrar's, orders	Tribute, i. with
and registrar's orders	
	Date : 30.10.2018
	O.A.No.645 of 2017
	M.A. DamaleApplicant
	Versus
	The State of Maharashtra & OrsRespondents.
	1. Heard Shri A.V. Bandiwadekar, learned Advocate
CATE 30/10/18	for the Applicant and Ms. S. Suryawanshi, the learned
A DIDITO	Presenting Officer for the Respondent No.2. None for the
Shri PN DIXIT (Momber) A	Respondent No.1.
Mamberg	
A V. Boendicoooleka	admitted and kept for final hearing after vacation on 28.11.2018.
selectors for the Applicant	23.11.2016.
Ms S. Scaryaesand	3. S.O. to 28,11,2018.
O, for the Respondent's MO 2	u
A648.0. to 28/11/18	Sd/-
lo rus	(A.P. Kurhekar)
7	Member (J)

30 10 12 8 IN THE MAHARASHTRA ADMINISTRATIVE PROBLEMS MUMBAI

Original Application No.	· f 20	The series
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(Advocate)	
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The Sta	to of Maharashtra and 247	T.S.
		**Charles Constituted
Presenting Officer		
Office Notes, Office Memoranda of Corner Appearance, Tribunal's orders or directions and Registrar's orders	1	artin a a juĝoja
	Date: 30.10.2018	
	O.A.No	2.876 of 2017
	J.R. Sonkavade	Applicant
	Versus	
	The State of Maharashtra	& OrsRespondents.
	1. Heard Shri A.V. Sak	colkar, the learned Advocate for
1 1 2	the Applicant and Smt.	K.S. Gaikwad, the learned
DATE BOLIOLIS	resenting Officer for the R	espondents.
CORANI Hanible Shri P.N. PIXIT (Momber) A Shai. A.P. Lechle Leez,		the learned Advocate for the
	Applicant, adjourned to 28.	•
A ANOF: Sceled I keen		Sd/-
Understate for the Aprillant		(A.P. Kurhekar) Member (J)
COPO. for the Remondent's	∕ sba	
Adus 0. to 28/11/18		

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.	of 20 District
•	Applicant/s
(Advocate)
	versus
The State	of Maharashtra and others
(Presenting Officer	Respondent/s
Office Notes, Office Memoranda of Corum. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	Date: 30.10.2018
	O.A.No.509 of 2018
	P.S. KumbharApplicant
	Versus
	The State of Maharashtra & OrsRespondents.
	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.
	2. Learned Advocate for the Applicant requested for
	extension of time to serve notice on newly added
DATE 3010/18	Respondent No.3.
CORAM	
Slive A. P. Kuche Kaz, Manubar (J	in a second 2 m20.2010, reave was granted to
/ COSARANCE	implead the Respondent No.3 and notice was issued returnable on 30.10.2018. But learned Advocate for the
AMCE AM Kolge	Applicant could not serve the notice to the Respondent
and the for the Applicant	No.3 within time, being short.
A.J. chocegale	4. The learned Advocate for the Applicant requested
· ,	for extension of time to serve the notice
1. 15.0 m 20/11/18	5. Hence, time is granted to serve the notice on
(a) (a)	Respondent No.3.

∩ Sd/-

(A.P. Kurhekar) Member (J)

6.

S.O. to 20.11.2018.

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 mentions that in view of the said order dated 19.10.2018, pensioanry 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)

DATE 30/10/18

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Control Shrip RN. DIXIT (Momber) A

Ship A. P. Learner Solve Manufactor

AS DE AFANCE:

Control for the Applicant

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Control for the Applicant

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Ad Solve O. A. COR disposed

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

Tribunal's orders

Date: 30.10.2018

O.A.No.740 of 2018

A.N. Deokare

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 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.
- 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.
- 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.
- 4. Learned Advocate for the Applicant appearing on behalf of the Dr. G. Sadavarte requests for passing appropriate order.
- 5. The Applicant is residing and serving at Nanded. Therefore, application needs to be presented before Aurangabad Bench.
- 6. In 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.

Sd/-

(A.P. Kurhekar) Member (J)

DATE 30/10/18

CORAM

From the Shri PN. DIXIT (Member) A

Shai. A. P. Leashelt and

Namber ARANCE:

Nolching Koor Dr. C. Sordanael

Molching Koor Dr. C. Sordanael

COPPO. for the Respondent's

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IN THE MAHARASHTRA ADMINISTRATIVE VEDRICES: MUMBAI

Original Application No.	of 20	The Markets
		And the state of t
(Advocate)	
	versus	
The State	of Maharashtra and mh	ńs
Presenting Officer	e de la companya de l	TS to the order
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Office Notes, Office Memoranda of Cornes, Appearance, Tribunal's orders or directions, and Registrat's orders	Tr _k .;;	$\mathbf{Min}(d) = q(x_0, y_0)$
	Date: 30.10.2018	
	O.A.	No.310 of 2018
	S.B. Kashid	Applicant
	Versus	
	The State of Maharashtr	a & OrsRespondents.
	1. Heard Shri C.T. (Chandratre, the learned Advocate
		Ms. S. Suryawanshi, the learned
1 1:	Presenting Officer for the	Respondents.
DATE <u>sololi8</u>	2. Respondents have	e already filed reply.
ton ble Shri P.N. DIXIT (Momber) A	3. Learned Advocate	e for the Applicant does not want
MandoerCI	to file affidavit-in-rejoind	
shri/smt C.T. chande tu	4. As the pleading	s are completed the matter is
Advocate for the Ap elloa nt		for final hearing on 4.12.2018.
Ms. S. Scery awards	5. S.O. to 4.12.2018.	
nd1.15.0 to 1/12/18.	·	Sd/-
Collas		(A.P. Kurhekar)
	sba	Member (J)

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

IN THE MAHARASHTRA ADMINISTRATIVE PRIBATES MUMBAL

Original Application No.	of 20	(1) 相称的 (1)	
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(Advocate			
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The State	of Mahacashtra and at	l es	
		Maria de Maria	t i
Presenting Officer	· · · · · · · · · · · · · · · · · · ·	,	
Office Notes, Office Memoranda of Coram.	The second secon		
Appearance, Tribunal's orders or	1.9	Heavy III - Large and	
directions and Registrar's orders		·	
	Date : 30.10.2618		
	0.4	A.No.528 of 2018	
	V.V. Kabade	Applicant	
	Versus		
	The State of Maharash	tra & OrsRespondents	s.
	1. Heard Shri A.L	J. Sakolkar, the learned Advoca	ate
		Patil, the learned Advocate for t	
	1	. Gaikwad, the learned P.O. holdi	
	1	car, the learned Chief Presenti	
MATE 30/10/18	Officer for the Respond		_
QPAN1	2. The matter per	tains to transfer. However, duri	nø
Shri PN DIXIT (Momber) A	the pendency of this p	Assemble the Applicant has been	en
seal to the	promoted and posting h	\	٠,,
BARANCE:		, we can give m	
+ AU Poetil.	3. Today, learned	Advocate for the Applicant ha	as
veer te for the Applicant	tendered the order of p	romotion dated 17.10.2018.	
12.5. Gailerad, NP	4. In view of the al	pove, the learned Advocate for th	۱e
O. O for the Respondent's	1	e cause of action does not surviv	
\$0.00 O.A. as disposed	and therefore application		

sba

As no cause of action is survived, Original

Sd/-

(A.P. Kurhekar) Member (J)

Application is disposed of. No order as to costs.

(G.C.P.) J 2260 (A) (50,000—2-2615)

IN THE MAHARASHTRA ADMINISTRATIVE PRIBLING A MUMBAI

Original Application No.	of 20	
	was the	t kan libe
'Advocate)	
	versus .	
The State	of Maharashtra and others	
Presenting Officer	— ———————————————————————————————————	l∧nt/s
		·
Office Notes, Office Memoranda of Corom. Appearance, Tribunal's orders or directions and Registrar's orders	Tribusy's vote: .	•
	·	
	Date: 30.10.2018	
	O.A.No.323 of 2017	
	Dr. V.U. IsaneApplicant	
	Versus	
	The State of Maharashtra & OrsResponde	nts.
	1. None for the Applicant. Heard Smt. K.S. Gaik	wad,
	the learned Presenting Officer for the Respondents.	
DATE 30/10/18	2. On perusal from order dated 15 11 2013	_
CORAM	6.06.2018 it reveals that the A. J.	,
Frontile Shrt P.N. DIXIT (Member) A Shey A. P. Kurhe Kon, Mewhon (t)	Advocate are continuously absent.	nis
APPEARANCE: .		1
Applicant.	3. However, one chance is granted to the Application take necessary steps.	nt to
A DONC COUNT '	Table Necessary Steps.	
Sut. 12.5. Gailee ad	4. S.O. to 5.12.2018.	
	<u>.</u>	
	Sd/-	
Peply Diled by A. No. 4. 2011	(A.P. Kurhekar) Member (J)	
	sba	

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL **MUMBAI**

Original Application No.	of 20 District	
	Applicant/s	
(Advocate		
	versus	
The St	ate of Maharashtra and others	
	Respondent/s	
(Presenting Officer)	
Office Notes, Office Memoranda of Coru Appearance, Tribunal's orders or directions and Registrar's orders	m, Tribunal's orders	
	Date : 30.10.2018	
•	O.A.No.509 of 2018	
	P.5. KumbharApplicant	
	Versus	
	The State of Maharashtra & OrsRespondents.	
	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.	
	2. Learned Advocate for the Applicant requested for	
	extension of time to serve notice on newly added	
PATE BOID(18	Respondent No.3.	
Shri P.N. DIXIT (Momber) A	3. By order dated 24.10.2018, leave was granted to	
Shi). A. P. Keether ar Manuba	implead the Respondent No.3 and notice was issued	
RANCE: RM Kolge	returnable on 30.10.2018. But learned Advocate for the	
Applicant could not serve the notice to the		
Processo for the Applicant	No.3 within time, being short.	
A.J. chougule	4. The learned Advocate for the Applicant requested	
for extension of time to serve the notice.		
200m 20/11/18	5. Hence, time is granted to serve the notice on	
De con	/ Respondent No 3	

6. S.O. to 20.11.2018.

> (A.P. Kurhekar) Member (J)

Sd/-

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

Tribunal's orders

O.A.583/2018

Shri Sarjerao D. Patil Vs.

... Applicant

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. 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.

Sd/-

(A.P. Kurhekar) Member-J 30.10.2018

DATE 80/10/18	
<u>CORAM</u>	
Sheli A. P. Leenie, Leen,	(t)
AFFEARANCE: Pagesor	
indivocate for the Applicant	
The A. J. changelo	b L
Adultion to 5/12/18	+
(a) ref	

The Same of Mahacashira and office

(Presenting Officer		****************)
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Office Notes, Office Memoranda of Corum.

Appearance. Tribunal's orders or

directions, and Registrar's orders

Trible the bearing

Date: 30.10.2013

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.
- 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 'he 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.

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- 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/-

Chairman

Place: Mumbai Date: 30.10.2018

Dictation taken by: A.K. Nair.

H:\Anil Nair\Judgments\2018\Oct 2018\C.A 32.18 in O.A 1044.15 Int order, DB. 10.18.doc

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

Versus

Dr Pradeep Vyas.

Principal Secretary, Public Health Dept,

...Respondent

)...Applicant

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.)

Place: Mumbai Date: 30.10.2018

Dictation taken by: A.K. Nair.

H:\Anil Nair\Judgments\2018\Oct 2018\C.A 31.18 in O.A 102.16, Int order, DB. 10.18.doc

(G.C.P+J-2206)(A)((50)000-2)2015).

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL.

	MUMBAL			
Original Application No.	of 20	31 19	in and a second	
(Advocate				
	Cerbus			
The State	of Walternstites a	nd others		
(Presenting Officer	······································	.)	ទីសក្ _ទ ាយម េបន	
Office Notes, Office Memoranda of Cocam, Appearance, Tribunal's orders or directions, and Registrar's orders		Tribana s asd	e	
	Date : 30.10.20	018		
		O. A. No.866 o	f 2018	
	P. M. Nalla		Applicant	
DATE 30110118.	Versus			
Horse Shirth H. Joshi (Chairman)	The State of M	aharashtra & O	rsRespondents.	
Horeon Tan P. N. Dixit Member (A) APPLICANCE: Sharamt: P. C. Kolland Advecate for the Applicant	the Applicant an	R. M. Kolge, the d Ms S. P. Manch er for the Respon	learned Advocate for ekar, the learned Chief dents.	
hri/Smt: S. P. on a wolder.	have hearing on interim relief and se			
4/5.0. 10 31 10 118	hearing before th	ne Division Bench		
	3. S.O. to 31.10	0.2018.		
			Sd/-	

(P. N. DIXIT) MEMBER (A)

VSM

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBLINGS.

	MUNIBA	
Original Application No.	of 20	T)(a_{1} a_{2}^{*} a_{2}^{*})
(Advocate		\n _P lica nt/s
*	versus .	
The Sta	ate of Mabarashtra and o	others
(Presenting Officer		irs, whenth
Office Notes, Office Memoranda of Coram Appearance, Tribunal's orders or directions and Registrar's orders		military of grant gran
	Date : 30.10.2018	
	0.	A.No.729 of 2018
	V.V. Doke	Applicant
	Versus	
	The State of Maharash	ntra & OrsRespondents.
	1. Heard Smt. P.	Mahajan, the learned Advocate for
	the Applicant and Presenting Officer for t	Shri A.J. Chougule, the learned
DATE 30/10/18	2. The matter per	tains to suspension which is under
CORAN	letter issue LL 8	today, learned P.O. has tendered
Hon'ble Shri P.N. DIXIT (Member) A Skir A.P. Kcerhetkar, Member (J	that the proposal for	nment dated 30.10.2018 informing
	under consideration of	reinstatement of the Applicant is
APPEARANCE: Shri/Smt. Puhain Nahajan	under consideration of t	
V	3. As such the mate	er being under consideration of the
Advocate for the Applicant	Government, the decision	on be likely to be issued within 🛎 2-3
ShritSmt A. J. chocegcele	days.	V
— C.P.O/P.O. for the Respondent/s	4. Learned P.O. for	the Respondents is directed to
Adj./S.O. to 2/1/18	take instruction and inf	orm this Tribunal about further
(a) cos	development in the matte	er.

5. S.O. to 2.11.2018.

(A.P. Kurhekar) Member (J) $(G.C.P.)\ J\ 2260\ (A)\ (50,000-2-2015)$

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUIDS IN MUMBAI

	MUMBAI		
Original Application No.	of 20	Diffus (1)	
(Advocate	·····.)		Ampheont/s
	versus		
The Sta	ite of Maharashtra a	nd others	
•	•		
(Presenting Officer	· · · · · · · · · · · · · · · · · · ·)	Productent/g
Office Notes, Office Memoranda of Coran- Appearance, Tribunal's orders or directions and Registrar's orders		TribucyPageder.	e e e e e e e e e e e e e e e e e e e
	Date : 30.10.2018		
	O.A.No.1032 of O.A.No.1034 of	2017 with O.A.No.1031 of 2017 with O.A.No.1033 of 2017 with O.A.No.1049 of O.A.No.1050 of 2017	£ 2017
	D.S. Patil S.D. Salunke A.G. Patil & Ors. S.J. Shinde S.P. Patil U.S. Patil S.S. Roopnawar	(O.A.No.1030 of 202 (O.A.No.1031 of 202 (O.A.No.1032 of 202 (O.A.No.1033 of 201 (O.A.No.1034 of 201 (O.A.No.1049 of 201 (O.A.No.1050 of 201	17) 17) 17) 17) 7)
CORAM	Versus	•••	.Applicants
Hon'ble Shri P.N. DIXIT (Member) A Slisi A.P. Keeshelkoss, Member (1)	The State of Mahara	ishtra & Ore	
Shri A.P. Keerhalkor, Member (1)	1		spondents.
APPEARANCE:	1. Heard Shri	Kishor Naik, the learne	d Advocate
Shrismt Kishon Naik hif	holding for Shri S. Pr	abhune, the learned Advo	cate for the
Advocate for the Applicant	Applicants and Smt.	K.S. Gaikwad, the learned	Presenting
	Officer for the Respoi	ndents.	· · · csenting
Shri/Smt . K.S. Gaikenad			
— C.P.O/P.O. for the Respondent/s	2. The matter w	ill be heard on the next	date i.e. on
Adj./S.O. to 1/1//8	1.11.2018 without fail	l.	
· Copare	3. At the reques	st of the learned Advoca	ate for the
7	Applicant, S.O. to 1.11	1.2018. No further adjour	MAN III
	given thereafter.	with the aujour	ii aan wiii be

∖ 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

O.A.No.968 of 2018

Dr. S.D. Bhosale

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 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.
- 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.

Sd/-

(A.P. Kurhekar) Member (J)

CORAM

Figure 30 10 18

CORAM

Figure 3 to 18

Figure 1

APPEARANCE:

Sirismt: Premain Mahajar

Advocate for the Applicant

Shri/3mt. K.S. G. aikevac

Adj./S.O. to ... 1 11 18

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IN THE MAHARASHTRA ADMINISTRATIVE TRUBINGAL MUMBAI.

Original Application No.	of 20	(A)			
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(Advocate					
	twrsus				
The State	of Maharashtra and orlines				
		Analysis Sant/s			
(Presenting Officer	The second secon	•			
Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or	Teibara) s o	en e			
directions and Registrar's orders					
	Date : 30.10.2018	•			
	O.A.No.825 of	2017			
	S.S. Sawant	Applicant			
	Versus				
	The State of Maharashtra & Ors.	Respondents.			
	1. Heard Shri R.M. Kolge, the learned Advocate for the				
	Applicant and Shri A.J. Chougule, the learned Presenting				
	Officer for the Respondents.				
	2. By order dated 27.7.2018	. the Respondent No.3			
	was directed to reconsider the order of dismissal in the				
DATE 30/10/18	light of the judgement of Hon'ble High Court and take				
<u>CORAM</u>	decision within the period of two months from the date of				
Horoble Shri P.N. DIXIT (Member) A Skri. A.P. Kuzhe Kezy Marubeact	•	-			
		•			
APPEARANCE: Shrismt R.M. Jaolge	3. However, till date no con	nmunication has been			
ū	filed.				
Advocate for the Applicant	4. At the request of the	· ·			
shrisme A.J. chocagcele	Respondents, two weeks time is				
POPO for the Respondent/s	affidavit about the decision of the	e Respondent No.3 in			
1d/30 to 2011/18	terms of order dated 27.7.2018.				
. Of cert	5. S.O. to 20.11.2018.				

Sd/-

(A.P. Kurhekar) Member (J)

and a p

IN THE MAHARASHTRA ADMINISTRATIVE TRUBBLE AF MUMBAI

	٠ .		
Original Application No.	of 20) moreon	
			Ep. Hongary
(Advocate			
	versus		
The St.	ate of Maharashti	ca and orbors	
			* speciality
(Presenting Officer		1	·
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	n,	Tribunot sa devo	, en en disease
	Date : 30.10.	2018	
		O.A.No.267 of 2018	

DATE SOID 18
CORAM

Horbie Shri P.N. DIXIT (Member) A Skir. A.P. Keezhel Cos., Member Co

APPEARANCE: Shusher B. A. Brendrosedekon

Advecate for the Applicant

Short K.S.Gailcenad

Adi/S.O. to 28 11 18.

(D) (cd

Dr. M.K. Barve

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents,

- 1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
- 2. In the 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.
- 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.
- 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 allowanced needs to be paid from the date of stay order i.e. on 27.3.2018.
- S. In view of this, learned P.O. seeks two weeks time to clarify as well as to file reply to the O.A.
- 6. S.O. to 28.11.2018.

Sd/-

(A.P. Kurhekar) Member (J) Office Notes, Office Memoranda of Corum.

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.

- Heard Shri K.R. Jadgale, learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.
- Issue notice returnable on 19.11.2018.
- 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.

Sd/-

(A.P. Kurhekar) Member (J)

DATE 30/10/18

CORAM

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

Shar A. P. Keezhek (202), Member

Shri/Smt 1 R. Jagolole

Advocate for the Applicant

Shri/Smt. N. S. N. G. Colod CPOP.O. for the Respondent's

Adj./S.O. to 19/1/18.

(p) (see)

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. Mhamunkar

....Applicant

Versus

The State of Maharashtra & Ors.

....Respondents.

- 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.
- 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)

DATE 30/0/18

CORAM
Honiple Shri P.N. DIXIT (Member) A
Skir A.P. Keezhel Certiber CJ

Nemiber CJ

Shrisme P. L. Rethod

Advocate for the Applicant

Shrikant 5 D. Dole

Ad 15.0. to 4 12 18

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

Tribunal's orders

Date: 30.10.2018

O.A.No.965 of 2018

S.S. Nimangare

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 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.

Sd/-

(A.P. Kurhekar) Member (J)

DATE 30/10/18

CORAM

Hon'ble Shri PN. DIXIT (Member) A

Slud. A.P. Karhekan

Meinber (J

APPEARANCE:

Shrismt A.A. Desupando

Advocate for the Applicant

ShriBmt 5.D.Dole

Ad 15.0 to 12 18

(0) (01)

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

Tribunal's orders

Date: 30.10.2018

O.A.No.930 of 2018

P.Y. Shinde

.... Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

- 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.
- Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 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.
- 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.

5.O. to 4.12.2018.

(A.P. Kurhekar) Member (J)

Sd/-

Applicant Ad 15.0 to 4/12/18.

Hon'ble Shri P.N. DIXIT (Membe

CORAM

IN THE MAHARASHTRA ADMINISTRATIVE TRUBERS & MUMBAI

Original Application No.	of 20		111	11.5	
			•		or took to oper/e
(Advocate					
	11e-1	rsus			
The Creek		arashtra and	d others		
· Ine ou	te of Man	aras:10 a atti	1.11/2.58		
					flyn, agant∕s
(Presenting Officer					
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		and the state of t	Tribanal's c	ર્શેલ્ડ ર	
	Data	30.10.2018			•
	Date:	30.10.2018			
		O.A.No.112 of 2018			
	J.P. M	ladye			Applicant
	Versu	s			
	The S	tate of Maha	rashtra & Ors	•	Respondents.
	1.	None for t	he Applicant.	Heard Sh	ri S.D. Dole, the
	learned Presenting Officer for the Respon				
ATE 30/10/18	2.	The Respo	ondents have	already f	iled affidavit-in-
CORAM	reply.				
ton ble Shri P.N. DIXIT (Member) A	c				the matter is
shi, A. P. Received Wheimberr					the matter is
APPEARANCE: Pocs the	d for final hear	ang on 4.1	2.2010.		
pplicant	4.	S.O. to 4.1	2,2018.	•	
Advocate for the Ap pli nant					•
shrisht S.D.Dole					
C.P.C/P.O. for the Respondent/s				Sd/-	
Ad 15.0. to 1/2/18.	d			.P. Kurhek Member (
(T - +	sba				·

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.	of 20	O. rrs
•		Ant atomics
	1	
(Advocate		
	nersus	
The Stat	te of Maharashtra an	d offices
		Valgorial V
(Presenting Officer	******	
Office Notes, Office Memoranda of Coram Appearance, Tribunal's orders or directions and Registrar's orders		Tribupel societs
	Date : 30.10.2018	
•		
		O.A.No.1044 of 2017
	H.G. Chopade	Applicant
	Versus	
	The State of Mah	arashtra & OrsRespondents.
	1. Heard Shri	i V.V. Joshi, the learned Advocate for the
e e e	Applicant and Sm	nt. Archana B.K., the learned Presenting
DATE 30/10/18	Officer for the Re	spondents.
CORAM	z. As the p	leadings are completed the matter is
Hon'ble Shri P.N. DIXIT (Member) A	1	
Slass. A.P. Keerhekeer	admitted and fixe	d for final hearing.
APPEARANCE: .	3. The prese	ent matter is short and the matter being
Stri/Smt V: V: Joshu		be decided at the earliest.
	on 2017 needs to	be decided at the earnest.
Advocate for the Applicant	4. Hence, th	e matter be kept for final hearing high on
shrent Archana B.K.	board on 27.11.2	
C.P.O/P.O. for the Respondent/s		
Adj/8.0 to 27/11/18		∖ Sd/-
HOI	B	W .
10016	na/	(A.P. Kurhekar) Member (J)
C7	-∕- sba	

IN THE MAHARASHTRA ADMINISTRATIVE TRIBLINGS **MUMBAI**

Original Application No.	of 20	Burker	who be antes
(Advocate)		
	versuš		
The Sta	ite of Maharashtra an	dathers	
			Sequencent/s
(Presenting Officer)	
Office Notes, Office Memoranda of Coran Appearance, Tribunal's orders or directions and Registrar's orders	1	Tribnus 4 to 65%	
	Date : 30.10.2018	O.A.No.617 of 2018	3
	S.V. Pardeshi		Applicant
	Versus		
	The State of Mah	arashtra & Ors.	Respondents.
	1. Heard Shr	i S.H. Pandhre, the le	earned Advocate for
	the Applicant a	and Smt. K.S. Gaik	wad, the learned
	Presenting Office	r for the Respondents	
	2. Today, sh	ort affidavit-in-reply	has been filed on
1.118	behalf of the	Applicant in respec	t of the issue of

DATE BOLIOTIS CORAM Hon'ble Shrt P.N. DIXIT (Member) A Slow. A.P. Keerheken

APPEARANCE: Shrilsmt S.Fl. Pondlas

Advocate for the Applicant

Shr/Smt K.S. Gaikewa G.P.C/P.O. for the Respondent/s

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

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

dated 30.5.2018. However, in the reply it is contended

that during of the matter, Applicant has been suspended

Basically, Applicant is challenging the transfer order

suspension raised by the Respondent in their reply.

continue with the O.A. in view of suspension of the

Applicant.

3.

S.O. to 27.11.2018.

by order dated 20.7.2018.

Sd/-

(A.P. Kurhekar) Member (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBLES OF MUMBAI :

Original Application No.	of 20		Policy	Top branes
(Advocate)		
	•	versus		
	The State of M	aharashtra and oti	ingia.	
		•		Composition 18
(Presenting Officer)		
Office Notes, Office Memorand Appearance, Tribunal's o directions and Registrar's	rders or	Tr	flamat's o des	
	Da	te : 30.10.2018		
		0.4	1.No.797 of 2017	
	Tor.	, P.M. Patil		Applicant
		ersus		
		e State of Maharash	ntra & Ors.	Respondents.
				l Advocate for the
	1.			learned Presenting
	1.	fficer for the Respon		
	2.			e already filed their
DATE 3010118	į	fidavit-in-reply which		
CORAM				
Hon'ble Shri P.N. DIXIT (Membr	3.			ted, the matter is
ski A.P. Keerhetier,	Member (1) ac	dmitted and kept for	final hearing on	30.11.2018.
APPEARANCE: Shri/Smt M.R. Poti	4.	. In the meantir	ne, liberty is gr a r	ited to the Applicant
	to	o file rejoinde r .		
Advocate for the Applicant	4		2040	
Shri/Smt A. J. Chock G.P.O/P.O. for the Responden	ouls. 5	. S.O. to 30.11.2		.b-
Ad 150 % 30/11/18.			Sc	d/-
Act./S.O. to	(a) (a)		(A.P. Kur Memb	
	s	ba		
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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of	20	Visit has to	
922 <u>4</u> 00000000000000000000000000000000000	•	Welliamt's	
ı			
(Advocate	1		
	versus		
The State of	of Maharashtra and othe	48	
•		Bispredant's	
(Presenting Officer			
Office Notes, Office Memoranda of Corum, Appearance, Tribunal's orders or directions and Registrar's orders		marret singden	
	Date: 30.10.2018		
	O.A.	No.629 of 2018	
		Amuliaant	
	T.B. Vhanmane	Applicant	
•	Versus		
	The State of Maharasht	ra & OrsRespondents.	
	1. Heard Shri R.M.	Kolge, the learned Advocate for the	
		chana B.K., the learned Presenting	
	Officer for the Respond	ents.	
•	2. Respondents ha	ve already filed reply which is at	
DATE 30/10/18		ive arready med reply timen is de	
	page no.67.		
CORAM Hon'ble Shri P.N. DIXIT (Member) A	3. As the pleadin	gs are completed the matter is	
ski. A.P. Kunekar, Member (3	7		
A DDC AD ALOC.	admitted and adjourned	d for final hearing on 5.12.2018.	
APPEARANCE: Shri/Smt R.M. 140/94	4. In the meantime	e, liberty is granted to the Applicant	
CHEROLICE L. M. C.	· ·		
Advecate for the Applicant	for file rejoinder,	•	
Spotent Acardiana BK-	5. S.O. to 5.12.201	8.	
mander 15 mander var de de la contra del contra de la contra del la cont		<u>~</u> .	
C.F.C.P.O. for the Respondent/s		Sd/-	
Ad /5.0. to 5/12/18,		V	
(m) (m)		(A.P. Kurhekar)	
4-1	sba	Member (J)	
	350		

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.266 of 2018

K.S. Kulkarni

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

Sd/-

(A.P. Kurhekar) Member (J)

DATE 30/10/18

CORAM

Hon'ble Shri PN. DIXIT (Member) A

Skyl. A. C. Keerke Keer, Removed

APPEARANCE:
Shri/Smt A.V. Boundlesadeka

Advocate for the Applicant

Shri/Smt A.T. chococcle CPO/P.O. for the Respondent/s.

Adj./S.O. to 27 [1] [8

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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 wotj 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.

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.

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

DATE: 30/10/18
CORANT:
Hon'ble Justice Shri A. H. Josh! (Chairman)
Hon'ble Shri P. N. Dixit Member (A)
APPEARANCE:
Shri/Smt.: 1. Fally Categore | Josdale
Advocate for the Applicant
Shri/Smt.: S. P. M. applicant
Shri/Smt.: S. P. M. applicant
C. P. J/P.O. for the Respondent's E. Blu Je

Advision Head

order passed in

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50/0 51/18.

IN THE MAHARASHTRA ADMINISTRATIVE TRUBUNAL MUMBAI

Original Application No.	of 20	Prepriet	apoli ant/s
(Advocate & Jchowyub	,		apini sinta
(Advocate)		
	versus		
The State	🌞 e of Maharashtra an	of others	
	r		មានសូ មានមេ ប្ បែ
(Presenting Officer	<u></u>)	
Office Notes, Office Memoranda of Corum, 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 Medic	al Edu. & Ors.	Applicants
DATE: 30/10/18	-v ersus	!	
ORA:	A. R. Shaikh		Respondent.
Ion'ble Justice Shri A. H. Joshi (Chairman) Ion'ble Ehri P. N. Dixit Member (A) PPEARANCE: hri/Smt.:	officer and for the	A. J. Chougule, the Applicants (Ori. Res learned Advocate	pondents) and Shri
FIP.O. for the Respondents by Bylice VS.O. to 1111/8	Learned P.C seeks adjournment	D. for the Applicant	(Ori. Respondent)
5.0.0	3 Laarnad A	dvocate for the	Respondent (Ori.
R		to further adjournm	
	4. S.O. to 01.1	1.2018.	
		Sd/-	•
		(P. N. DIXIT) MEMBER (A)	
	VSM	:	

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.	of 20	Dente i	in also and to
	•		. spr!icant/s
Advocate)		
	versus		
The State	of Maharashtra and othe	1.	
			haspin ands
T			
Presenting Officer	.,		
Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Trib	anol's orders	
	Date: 30.10.2018		•
	O. A. N	o.519 of 2018	
•	S. N. Hajare		Applicant
· .	Versus		
DATE: SOLIOTIS	The State of Maharasht	ra & Ors	Respondents.
Hender Justice Shri A. H. Joshi (Chairman) Hon'bie Shri P. N. Dixit Member (A) APPE ARANCE: Shri Smt. : F. U. Nerry One Lough M. Advocate for the Applicant	1. Heard Smt. Punam for the Applicant and Presenting Officer for the Respondent No.5.	Ms N. G. Goha	ad, the learned
Shri/Smt.: Al. 6-60 and and a control of the Respondent's	2. Learned P.O. fil Respondent Nos.1 to 4. Ti		
Admit and kept for fined heating induces	3. Original Application hearing in due course.	n is admitted ar	nd kept for final
Colube.	:	Sd/-	
	,	. N. DIXIT) IEMBER (A)	
		,	

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

S. CHIEL H.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBLED AND MUMBAL

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Original Application No.	of 20	· · · · · · · · · · · · · · · · · · ·	O Recipion
			anch ant/s
Advocate			
	versus	,	•
TI)			**
The	State of Maharashtra	SHO WINDS	
		•	ខែសម្ភាស់ សេខម េស
(Presenting Officer		1	
Office Notes, Office Memoranda of C Appearance, Tribunal's orders of	er ·	Tribunal's o	alos
directions and Registrar's orde	rs		
		5040	
	Date : 30.10	.2018	·
		O. A. No.589	of 2018
DATE: 3.1/01/18	H. D. Nagoli	car	Applicant
CORAM:	Versus		
Hon'ble Justice Shri A. H. Joshi (Creat mein) Hon'ble Shri P. N. Dixit Member (A)	·	Maharashtra &	OrsRespondents.
APPEARANCE: P Togale			
			the learned Advocate for nana B. K., the learned
Advocate for the Applicant		fficer for the Resp	
Shri/Smt.: 6.1.01.4.1.2. B. C.: /P.O. for the Respondents			
	1	P.O. seeks adjou	rnment for one week to
Adus. 0. to 2611118	file reply.		
	3. S.O. to 2	6.11,2018.	
			Sd/-
		(D	. N. DIXIT)
			EMBER (A)
	VSM		
	4 5141		

IN THE MAHARASHTRA ADMINISTRATIVE TRUCKING IN MUMBAI

Original Application No. of 2	O Political
	Sprile offs
Advocate)
•	versus
The State of	Maharashtra and others
	frequences Vs
Presenting Officer	
Office Notes, Office Memoranda of Corum. Appearance, Tribunal's orders or directions and Registrar's orders	Tellomal's nodes:
	Date: 30.10.2018
	O. A. No.795 of 2017 with O.A. 815 of 2017
	S. P. Jagtap & AnrApplicants
1.0	Versus
DATE: 30/10/18	The State of Maharashtra & OrsRespondents.
Hon'ble Justice Shri A. H. Joshi (Chairmen) Hon'ble Shri P. N. Dixit Member (A) APPEARANCE: Shri/Smt.:	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.
Advocate for the Applicant	
Shrisme Archara & la coings. 2. J.P.O. for the Respondences Short o Locusty. MINSO. to 2011/18 ander Passed in Flibrial	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.
Column, 5000 200 /11/18.	3. Learned P.O. should ensure that the verification process is completed on priority.
with (2) 2	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
	ynoficaut/g
(Advocate)
	versus
The State c	of Maharashtra and others
	Truck attent/s
(Presenting Officer	
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions, and Registrar's orders	Privan W. s. codes s
	Date : 30.10.2018
	M. A. No.484 of 2018 with M.A. No.485 of 2018 in O.A. No.984 of 2017
DATE: 30/10/18	R. N. Fulzele & OrsApplicants
Hon'bie Justice Shri A. H. Joshi (Chairman) Hon'bie Shri P. N. Dixit Member (A) APPEATANCE: Shri/Sml.: A. L. Noi Cool Shri/Sml.: A. L. Noi Cool Shri/Smt.: A. T. Chougule C.F. /P.O. for the Respondents Adj/ S.O. to read M. H. H. H. H. S. I. Solo 27 11 18 in 2 M. H. H. H. H. L. H. H. L. M. H. H. H. H. L. M. H. H. L. M. H. H. L. M. H. H. L. M. L. M. H. L.	The State of Maharashtra & OrsRespondents. 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.48S/2018.

Sd/-

(P. N. DIXIT) MEMBER (A)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUTAL MUMBAI

Original Application No. ef	20 Theorem voolstant/s
(Advocate)
	. versus
The State c	of Maharashtra and others
	ic ignoriant/s
(Presenting Officer	
Office Notes, Office Memoranda of Caram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's arders
	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 & OrsApplicants
	Versus
	The State of Maharashtra & OrsRespondents.
DATE: 30 (10 (18 CORAM: Hon'ble Justice Shri A. H. Joshi (Chalman) Hon'ble Shri P. N. Dixit Member (A) APPEARANCS: Shri/Smt.:	Heard Shri A. N. Naikwadi, the learned Advocate for the Applicant and Shri A. J. Chougule, the learned Presenting Officer for the Respondents.
Advocate for the Applicant	2. Learned P.O. proposes to have hearing of the matter along with M.A. No.484/18 with M.A.485/18 in
Shri/Smt: O Tchosyle 2. P.O. for the Respondents	O.A.984/17 as the issue is similar.
m. a 10: 18 is disposal	3. Learned Advocate for the Applicant seeks permission to withdraw M.A. No. 101/2018.
off or wirlehouse.	4. Permission granted.
5010 27 liche iy mo 486/18 iy 00/32/18.	S. 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.

(P. N. DIXIT)
MEMBER (A)

VSM

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

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUTAL MUMBAL

Original Application No. of	20	Property	
	•		रहाताः चात्रहरू
(Advocate)		
	versus		
The State o	of Maharashtra and others		
The State of	in properties and a contraction of the		ta e e e e e e
	· ·	•	Hospindent/s
(Presenting Officer			
Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions, and Registrar's, orders	Teibar	o)'* urdere :	- A FAST LIVE
<u> </u>	Date: 30.10.2018		
	O. A. No.790 of 20	18 with O.A.482	of 2018
	V. R. Thok & Anr.	А	pplicants
1. 1	Versus		
DATE: 30 10 118 CORAM:	The State of Maharash	tra & OrsR	espondents.
Honble Justice Sheld H. Joshi (Chairman) Honble Englin N. Dixit Member (A) APPEAL Shrifting B. B. Bauli societa Add Societa Respondents Genilary Add 8.0. io 28 July 18.	Heard Shri B. A. Advocate for the Application the learned Chief Prese Gaikwad, learned Prese Respondents.	ants and Ms S. P	. Manchekar, h Smt. Kranti
	2. Learned C.P.O. files r behalf of the M.P.S.C	eply in O.A. No.4	82 of 2018 on
	3. As far as O.A.No.790 C.P.O. proposes to file the		
	4. S.O. to 28.11.2018.		
		Sd/-	
		(P. NI DIXIT)	•
		MEMBER (A)	
• •	VSM		

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

IN THE MAHARASHTRA ADMINISTRATIVE TRUBLING & MUMBAI

Original Application No.	of 20	$V^{(i)} = y_i, \frac{1}{2}$
(Advocate	·····)	17079 - 224
The State	ecrsus of Maharashtra and offices	
(Presenting Officer		s grante
Office Notes, Office Memoranda of Corum, Appearance, Tribunal's orders or directions and Registrar's orders	Prilingent	s odes
DATE: 20 110 118 CORAM: Hon'ble Juetlee Shrl A. H. Joshi (Chairmen) Hon'ble Shri P. N. Dixit Member (A)	K. P. Gholap & Ors. Versus	315 of 2018 Applicants
Advocate for the Applicant Shri/Smt: S. P. regardology C. P.O. for the Respondents Add/ S.O. to 22 11 11 8	 Heard Shri M. a. Choose the Applicants and Ms S. Chief Presenting Officer for the Common of the Commo	the Respondents.
		Sd/- (**) N.'DIXIT) MEMBER (A)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUDIAL MUMBAL

Original Application No.	of 20	O(r)	
(Advocate	· ·		Sprintering of
	versus		
The State	of Maharashtra and	oriver,	
(Presenting Officer			$^{4\pi/2}(-)^{2}(-)^{6}(0)s$
Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	The second secon	DiBrat al Standors	
DATE: 30 1018 CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A) APPEARANCE: Shri/Smt. 2 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	A. S. Kurundkar Versus The State of Maha 1. Heard Smt. Pur	A. No.663 of 2018Ar arashtra & OrsRe	ed Advocate
Advocate for the Applicant Shri/Smt.: A. G. 60 C. C. 20 for the Respondent/s Adj./ S.O. to 21 11 1 8	for the Applicant a Presenting Officer fo	and Ms N. G. Gohad, or the Respondents. eks four weeks time to fi	the learned
		Sd/-	
	•	(P. N. DIXIT)	

MEMBER (A)

□. 1001 F 2 E IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

	MUMDAI	
Original Application No.	of 20	
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		Apolicant/s 4
Advocate		~
	Versus	
The State	e of Maharashtra and others	
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Presenting Officer		
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Appearance, Tribunal's orders or directions and Registrar's orders	Tribus, d'e . : Ag. c	
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	Date: 30.10.2018	•
	O A No 705 - 600-	
•	O. A. No.795 of 2017 with O.A.	315 of 2017
	S. P. Jagtap & Anr.	6 II
	Versus	.Applicants
	· ·	
	The State of Maharashtra & Ors	Respondents
	1. Heard Shri R. M. Kolge, the learne	d Advocate for
	The replicants and Smt Archana B	1/ 1.1 .
	The real parties of the resenting of	utti e .
	Respondents. None for Respondent No.4.	
	2. Learned P.O. files root	
	2. Learned P.O. files reply to the amen	ded 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.	r whiteath
	3. Learned P.O. should answer	
	3. Learned P.O. should ensure that the process will be completed in priority.	e verification
	- Freed the priority,	
	4. Meanwhile, learned Advocate for the	in A 1-
	proposes to file Rejoinder. Permitted.	ie Applicant
·	5. S.O. to 20.11.2018.	
	Sd/-	:
	(P. N. DIXIT)	
	MEMBER (A)	

VSM

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBLES AV MUMBAI

Original Application No.	of 20		river and the second	
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Advocate	er eren er er t	•		
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	versus			
The Sta	te of Maharashtra :	and oil as		
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Presenting Officer		,)		
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directions and Registrar's orders				
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	D-4 20 40			
	Date : 30.10	.2018		
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1. 1.0		O. A. No.180 of 2017		
DATE: 30/10/18	R. A. Konapu	Ire		
CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman)	•		Applicant -	
Hon'ble 6hri P. N. Dixit Member (A)	Versus			
APPEARANCE: Shri/Smt. None for the Populi	The State of	The State of Maharashtra & OrsRespondents.		
Shri/Smt. A QA CTAN A ROLL OF				
Advocate for the Applicant	1. None for	the Applicant. He	eard Shri A. J. Chougule,	
• •	the learned Pr	esenting Officer fo	r the Respondents.	
Shri/Smt.: A. T. C. LosovUCS C.F. //P.O. for the Respondent/s		*		
	2. Learned (P.O. seeks one w	eek's adjournment for	
Adv 8.0. 6 19 11 18.	filing Affidavit-	in-Reply on behalf	of the respondents.	
	3. S.O. to 19.	11.2018.		
			~ ~ _	
		Sd/- 'n		
	(P. N. DIXIT)			
		MEM	BER (A)	

VSM

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.	of 20	·	
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(Advocate		177	
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	versus		
The State	of Maharaslitra and orb	908	
(Presenting Officer		* Symmetries	
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Office Notes, Office Memoranda of Corno, Appearance, Tribunal's orders or directions and Registrar's orders	Trio	nnal's antes	
	Date : 30.10.2018		
	M. A. No.384 of 2018 in O. A. No.695 of 2018		
	N. K. Chavan & Ors.	Applicants	
DATE: 30/10/18	Versus		
CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman)	The State of Maharashtra & OrsRespondents. 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.		
Hon'ble Shri P. N. Dixit Member (A) APPEARANCE:			
Shri/Smt: C.T.C. and reple			
Advocate for the Applicant			
Shrl/Smt. S. P. race veletase C.F. XP.O. for the Respondents Adil/S.O. to 211118	2. Learned C.P.O. adjournment to file Affic		
MOLI S.O. ID	3. S.O. to 02.11.2018		
		Sd/	
		(P. N. DIXIT)	

VSM

MEMBER (A)

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

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, J.)
Chairman

DATE: 30/10/2018

CORAM:

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

APPEARANCE:

EMO K.R. Jegdeli

Autobar for the Applicant

Shrifsmi. S.P.Man Chelles.
10780. for the Respondents

MY Gunratan Sedavante Ld. Adv. for

Respondents.

Shri D.B.Khaire Ld. Adv. for R. Ho. 69,88 & 161.

S.o. to 31/10/2018.

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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.

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

D.K. Shinde & Ors. Versus

...Applicants.

The State of Maharashtra & Ors.

.....Respondents.

- Heard Shri M.A. Chaudhary, the learned Advocate for 1. the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.
- Learned C.P.O. for the Respondents states that reply 2. 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.
- For final hearing S.O. to 31.10.2018. 3.

prk

CORAM:

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

DATE: 30/10/2018

APPEARANCE:

Shri/Sid : M.A. Chaydhery

Advocate for the Applicant

Shri/Smt S. P. Man Cheker C.P.O/R.O. for the Respondent/s

Ad./S.O. to 31102018:

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. 468 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.

- The Government has been time and again urging before this Tribunal 3. 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.
- Therefore, learned C.P.O is directed to take instructions and make a 4 statement tomorrow as to the time frame within which G.A.D would conclude the action at its level.
- Learned advocate for the applicants states that applicants in the Original 5. Applications are under confusion as to whether 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.
- The anxiety of the applicants appears to be because of lack of supply of 6. information.
- It shall be appropriate if the applicants make suitable representation to 7. 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.

(P.N Dixit) Member (A

Sd/-(A.H Joshi, J. 72 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 datε, 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 opplication 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 miscarriage 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".
- (I) 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

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The State of Maharasagra and care a

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DATE: 30/10/2018				
Ion'ble Justice Shirl A. H. Joshi (Chairman)				
M.B Kodsm				
dy cools for the Applicant				
hri/Shit: S-SYMAWanyh, JP:C/P.O. for 819 Respondent/s				
4/50 to 3/110/2018.				

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.

Sd/-

(P. N. DIXIT) MEMBER (A)

VSM