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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

.. Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
DATE: 31/7/17 CORAM: ~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~ Hon'ble Shri R. B. MALIK (Member) J APPEARANCE: ~~Shri/Smt.~~ B.A. Bandiwadekar, C.T. Chandratre, K.R. Jagdale, Advocate for the Applicant Ms. S.P. Manchekar ~~Shri/Smt.~~ A.J. Chougule and ~~C.P.O./P.O. for the Respondents~~ holding for H.K. Rajpurohit. ~~Adj. To:~~ O.A. are admitted. S.O. to 28/8/17. FH (skw)	**O.A.437/2017 with O.A.494, 531 & 548/2017** **Mr. Y.S. Karande & Ors. ... Applicants** **Vs.** **The State of Mah. & Ors. ... Respondents** Heard S/Shri B.A. Bandiwadekar, C.T. Chandratre, K.R. Jagdale and Ms. S.P. Manchekar, the learned Advocates for the Applicants. Mr. A.J. Chougule, PO holding for N.K. Rajpurohit, the CPO and Mrs. K.S. Gaikwad, the learned PO for the Respondents. Replies have been filed in OAs 494, 531 and 548/2017. Mr. Chougule, the learned PO holding for CPO informs that in OA 437/2017, the same reply will be adopted. On this statement having been made, the lerned Advocates for the Applicants submit that they do not want to file Affidavit-in-Rejoinder. The OAs are admitted and appointed for final hearing to 28th August, 2017. Sd/- (R.B. Malik) 31.7.17 Member (J) 31.07.2017

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. ... of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders **O.A.04/2015**

Mr. V.S. Kulkarni ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

Heard Mr. B.A. Bandiwadekar, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.

This OA relates to the issue of promotion of the Applicant which the Respondents are denying to him inter-alia on the plea of absence of the relevant Rules. The Applicant made a representation pending OA on 9.9.2014 (Page 56 of the Paper Book). Besides, there are averments in the OA in grounds 6.11, 6.16 and others, if any. The subject matter of prayer clause (b) is that, a direction be given to the Respondent No.5 to hear and decide the said representation. I am of the opinion that, since this OA was instituted in the year 2015, it will not be proper to dispose of this OA because in the event of an adverse order, the whole thing has to be repeated all over again. The OA is kept pending and the Respondent No.5 is directed to decide the said representation in the light of the ground in the OA referred to above within a period of six weeks from today and communicate its outcome to the Applicant within one week thereafter. The OA shall appear on Board on 18th September, 2017. Hamdast.

Sd/-
(R.B. Malik) 31.7.17
Member (J)
31.07.2017

(skw)

DATE : 31/7/17
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE :
~~Shri/Smt.~~ : B.A. Bandiwadekar
Advocate for the Applicant
~~Shri/Smt.~~ : A.J. Chougule
~~C.P.O./P.O. for the Respondents~~

~~Adj. To~~ S.O. to 18/9/17.
Hamdast.

PH

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

DATE : 31/7/17
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ Punam Mahajan
C.V.P. filed
~~Advocate for the Applicant~~
~~Shri/Smt.~~ A.J. Chougule
~~C.P.O / P.O. for the Respondents~~ No. 1.
K.R. Jagdale for R.No.2.
C.V.P. filed
~~Adj. To~~ S.O. to 7/8/17.
Reply filed by R.No.2.

O.A.668/2017

Mrs. U.S. Ghavte ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

Heard Mrs. Punam Mahajan, the learned Advocate for the Applicant, Mr. A.J. Chougule, the learned Presenting Officer for the Respondent No.1 and Mr. K.R. Jagdale, the learned Advocate for Respondent No.2.

A file is submitted for my perusal. I have perused it. The contents in green ink in Marathi are that the Respondent No.2 and the Applicant are to be transferred in what has been described in Marathi, "आपसी बदली करावी". It appears that, it means Mutual Transfer which interpretation is disputed by Mr. Jagdale, the learned Advocate for Respondent No.2. The fact as to whether the Applicant made any request for transfer is more or less not disputed that she did not ask for any transfer. In such circumstances, the manner in which the Applicant came to be transferred will have to be closely examined. A copy of the Page which has been referred to herein, be placed on record immediately and copies be furnished to the learned Advocate for the Applicant and the private Respondent. It is made clear that the Respondents must file the Affidavit-in-reply on the nexdt date when a full-fledged hearing will be held on whether interim relief should be granted or not and regardless of whether, reply is filed or not, that aspect of the matter will be heard.

S.O. to 7th August, 2017.

Sd/-
(R.B. Malik) 31.7.17
Member (J)
31.07.2017

(skw)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

O.A.716/2017

Mr. D.S. Subramanian ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

Heard Mrs. Kalpalata Patil-Bharaswadkar, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

By the impugned order dated 29.07.2017, the Applicant was informed that she stands retired w.e.f. today. The learned Advocate for the Applicant invites attention to a Judgment of the 2nd Division Bench of this Tribunal. It spoke through me in a fascicuous of OAs, the leading one being **OA 117/2013 and others, dated 20.7.2015**, copies whereof are at Pages 198 and the subsequent ones.

The net result is that the Applicant is being sought to be superannuated at 58 while as per the Judgment above referred to, she claims to be entitled to go upto 62. Interim relief is sought vide Clause (E) seeking stay to the impugned order.

The learned PO requests that the matter be placed tomorrow because according to her, the Applicant has not filed the OA with due dispatch. That is quite clearly not true because the impugned order was issued on the last working day which was Saturday, and therefore, today was the only day when by filing the OA, the Applicant would not attract any assail for indolence. Now, even otherwise, the Applicant can legitimately continue to function till today, the request of the learned PO is granted and the matter is kept tomorrow i.e. 1st August, 2017, but it is made clear that, in case of interim relief,

[P.T.O.

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

the Court is with the Applicant then no technical hitch would be there not just for tomorrow but even thereafter and this Court is sufficiently empowered to make even mandatory orders at interlocutory stage, and therefore, the Respondents are also directed that, till tomorrow, they should not fill-up that post by anybody including successor named in the impugned order.

Issue notice returnable on 1st August, 2017.

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

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

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

The service may be done by hand delivery / speed post / courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 1st August, 2017. Hamdast.

(R.B. Malik)
Member (J)
31.07.2017

(skw)

DATE : 31/7/17
CORAM :
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
~~Hon'ble Shri R. B. MALIK (Member)~~
APPEARANCE :
~~Shri/Smt.~~ : Kalpalata Patil - Bharaswadkar
~~Advocate for the Applicant~~
~~Shri/Smt.~~ : K.S. Gaikwad
~~C.P.O / P.O. for the Respondents~~
~~Adj. To~~ S.O. to 1/8/17.
Hamdast.

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 31/7/17
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
~~Shri/Smt.~~ : S.D. Chavan
~~Advocate for the Applicant~~
~~Shri/Smt.~~ : Ms. S Suryawanshi
~~C.P.O / P.O. for the Respondents~~
Rejoinder filed by Applicant.
O.A. is admitted.
S.O. to 31/8/17.

O.A. No.194 of 2017

Shri I.M. Pathan & Ors. ... Applicants

V/s.

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

Heard Shri S.D. Chavan, the learned Advocate for the Applicants and Ms S. Suryawanshi, the learned P.O. for the Respondents.

Affidavit-in-Rejoinder is taken on record. The Original Application is admitted and appointed for final hearing on 31.08.2017.

S.O. to 31.08.2017.

Sd/-

(R.B. Malik) 31-7-17
Member (J)
31.07.2017

(vsm)

2

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 31/7/17
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
~~Shri/Smt.~~ None for the Applicant
~~Advocate for the Applicant~~
Shri/Smt. K.B. Bhise
~~C.P.O./P.O. for the Respondents~~
O.A. is admitted.
~~Adj. To~~ S.O. to 28/8/17.

FH Copy

O.A. No.99 of 2017

Shri S.R. Shete ... Applicant

V/s.

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

None for the Applicant. Heard Shri K.B. Bhise, the learned P.O. for the Respondents.

The request for the grant of further time to file reply is rejected because last chance was already granted and one more date came to be granted thereafter. It is, however, made clear that on the next date, when the matter is called out for hearing, the reply is tendered and it will be taken on record but no adjournment will be given.

Original Application is admitted and appointed for final hearing on 28.08.2017.

Sd/-

(R.B. Malik) 31.7.17
Member (J)
31.07.2017

(vsm)

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

DATE: 31/7/17
CORAM:
Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt.: M.D. Lonkar
Advocate for the Applicant
Shri/Smt.: K.B. Bhise
C.P.O / P.O. for the Respondents
holding for N.G. Gohad
Adj. To: O.A. is admitted.
S.O. to 28/8/17.
FH

O.A. No.383 of 2017

Shri J.K. Bhosale ... **Applicant**

V/s.

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

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri K.B. Bhise holding for Ms N.G. Gohad, the learned P.O. for the Respondents.

The request for the grant of further time to file reply is rejected because last chance was already granted and one more date came to be granted thereafter. It is, however, made clear that on the next date, when the matter is called out for hearing, if the reply is tendered it will be taken on record but no adjournment will be given.

Original Application is admitted and appointed for final hearing on 28.08.2017.

Sd/-

(R.B. Malik) 31.7.17
Member (J)
31.07.2017

(vsm)

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

O.A. No.711 of 2017

Shri H.T. Zirawal ... **Applicant**

V/s.

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

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned P.O. for the Respondents.

Liberty is reserved for the Applicant to apply for the interim relief on the next date.

Issue notice returnable on 07.08.2017.

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

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

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

The service may be done by hand delivery / speed post / courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 07.08.2017. Learned P.O. do waive service.

Sd/-
(R.B. Malik)
Member (J)
31.07.2017

(vsm)

DATE: 31/7/17
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt.: Punam Mahajan
Advocate for the Applicant
Shri/Smt.: K.B. Bhise
C.P.O./P.O. for the Respondents
Adj. To: S.O. to 7/8/17.