

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NOS 734, 736, 787, 791, 793, 517, 804 & 808 OF
2018**

DISTRICT : MUMBAI

1. Shri S.B Kale & Others [O.A 734/2018]
 2. Shri D.K Shinde & Others [O.A 736/2018]
 3. Shri D.M Vaity & Others [O.A 787/2018]
 4. Shri K.K Sonune & Others [O.A 791/2018]
 5. Shri S.B Choudhari & Ors [O.A 793/2018]
 6. Shri Y.N More & Ors [O.A 517/2018]
 7. Shri G.C. Wayal [O.A 804/2018]
 8. Shri A.S Gaikwad & Ors [O.A 808/2018]
- Versus**

)...Applicants

1. The State of Maharashtra & Others
-)...Respondents

Shri A.V Bandiwadekar, Shri M.A Choudhari with Ms Kanchan Pawar and Shri C.T Chandratre, learned advocate for the Applicants.

Ms Swati Manchekar, learned C.P.O with Ms Neelima Gohad, Shri A.J Chougule, Shri K.B Bhise, Ms Savita Suryavanshi, & Snri S.D Dole, learned Presenting Officer for the Respondents.

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

DATE : **31.08.2018**

ORDER

1. Heard Shri A.V Bandiwadekar, Shri M.A Choudhari with Ms Kanchan Pawar and Shri C.T Chandratre, learned advocate for the Applicants, Ms Swati Manchekar. learned C.P.O with Ms Neelima Gohad, Shri A.J Chougule, Shri K.B Bhise. Ms Savita Suryavanshi, & Shri S.D Dole, learned Presenting Officer for the Respondents.
2. Issue notice returnable on 10.10.2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.



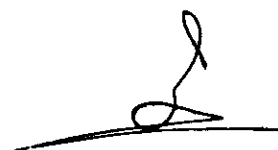
4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission nearing.
5. This intimation/notice 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. Applicants are directed to file affidavit of compliance and notice.
7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.
8. Heard on the point of interim relief.
9. Present group of O.As was heard in the morning session. Learned P.O was directed to take instructions and make statement on the following question:
- Whether upon discontinuation of applicants' subject matter, Government has decided to close down the Laboratories
10. In the afternoon session, Learned Presenting Officer Ms Neema Gohad has appeared with Shri Sunil Sovitkar, Joint Secretary, Home Department, Mantralaya, Mumbai with following instruction:-
- (a) Various posts have been created, in the department namely:
- | | | |
|-----------------------|---|-----------|
| Deputy Director | - | 2 posts |
| Assistant Director | - | 16 posts |
| Scientific Officer | - | 60 posts |
| Scientific Assistants | - | 77 posts. |

- (b) Various posts were filled in from time to time on contract basis.
- (c) Tenure of employees serving on contract basis as Scientific Officers shall come to an end on 3.9.2018 and of Scientific Assistants on 3.10.2018, apart from other group whose tenure has to end on 15.3.2019
- (d) Now all 103 posts in two categories are to be filled in by fresh process of selection on contract basis.
- (e) The department has already approached G.A.D for permission for continuing the employees already serving on contract basis.
- (f) Requisition is sent to M.P.S.C for various posts in July, 2017 and posts are not so far advertised by M.P.S.C

11. The advocate for the applicants have placed reliance on the reported judgment of Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in the case of Sachin Ambadas Dawale Vs. State of Maharashtra & Others, W.P 2046/2010. which is also upheld in Hon'ble Supreme Court.

12. The applicants have placed reliance on the key points namely:-

- (a) Applicants have been selected upon undergoing through due selection process as adopted by the department and in open competition.
- (b) Selection Committee comprised of qualified and expert persons.
- (c) Applicants are not back door entrants.
- (d) The applicants possess requisite qualification as was prescribed while inviting applications
- (e) The job for which the appointment on contract basis was made continues.
- (f) Applicants have been serving regularly and without any stigma.



- (g) Though recruitment rules were framed in the year 2015, advertisement for regular recruitment was not issued and those applicants who have been serving had no opportunity to undergo the regular selection process, if any through M.P.S.C.
 - (h) It is not in dispute that the establishment on which applicants are working is a part of Directorate of Forensic Science.
 - (i) The job undertaken by these Laboratories cannot be abandoned, since it is inevitable and imperative than complementary to the investigating of criminal cases.
 - (j) 54 Scientific Officers who are appointed on contract basis on 16.4.2018 are continued in service till 15.3.2019.
 - (k) Until the selection is completed through M.P.S.C, though on contract basis the employees appointed on contract basis shall be substituted by another lot of employees to be appointed on contract basis, which practice is abhorred by Hon'ble Supreme Court.
 - (l) In view of Sachin Dawale's judgment, applicants are entitled for protection.
13. State has not disputed any of the points noted in foregoing para no. 12, except protection which applicants are claiming.
14. In view of the foregoing discussion, applicants have made out a case for grant of ad interim relief.
15. This Tribunal therefore, by way of ad-interim order directs that the applicants' services shall be continued on the same terms and conditions as before and none amongst them shall be discontinued. In case any amongst the contract employees is/are discontinued, he/they be engaged on contract basis as before and this Tribunal directs accordingly, by way of ad-interim order.
16. It is hoped that Government would apply its mind to the issues raised and involved in present group of O.As and instead of exerting on drafting of

affidavit in reply, should take appropriate policy decision keeping in line the Government's declared Litigation Policy.

17. This order does not preclude or exempt the applicants from appearing for any Departmental Exam or examination conducted by M.P.S.C, if they wish to appear.

18. S.O to 15.10.2018.

19. Steno copy and Hamdast is granted. Learned Presenting Officer is directed to communicate this order to the Respondents.



Sd/-

(A.H. Joshi, J.)
Chairman

Place : Mumbai

Date : 31.08.2018

Dictation taken by : A.K. Nair.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

Original Application No.789 of 2018

G.D. Dhakhe

....Applicant

Versus

The State of Maharashtra

....Respondent

Smt. P. Mahajan, learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned P.O. for the Respondents.

CDRAM : Shri A.H. Joshi, J.

DATE : 31.08.2018.

ORDER

1. Heard Smt. P. Mahajan, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. Issue notice before admission made returnable on 11.10.2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

8. Heard on the point of interim relief.

9. Applicant has placed reliance on the reported judgment of the Hon'ble Supreme Court as follows:-

Civil Appeals Nos.5318-19 of 2013 in case of Vikas Pratap Singh And Others Vs. State of Chhattisgarh and Others.

With

Civil Appeal No.5320 of 2013 in case of Rajendra Singh Kanwar and Others Vs. State of Chhattisgarh and Ors.

and

Contempt Petition No.433 of 2011 in C.A.No.5320 of 2013 in case of Rajendra Singh Kanwar and Others Vs. Rahul Bhaqat and Others.

10. Prima facie Applicant's case stand on footing which is not just but is on slightly better footing than facts of the case in the judgment of Hon'ble Supreme Court in the case of **Vikas Pratap Singh Vs. State of Chhattisgarh (Dattu, J.)**, in view of that the reshuffling in merit has been done after Applicant was appointed, due to judicial interpretation of law as applicable.

11. In this situation in case any adverse decision is taken against Applicant, it should not be taken without giving to Applicant notice of at least clear 30 days.

12. S.O. to 11.10.2018.

13. Steno copy and Hamdast is allowed.

14. Learned P.O. is directed to communicate this order to the Respondents.

Sd/-

(A.H. Joshi, J.)
Chairman

spa

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

Original Application No.788 of 2018

S.V. Palve & Ors.

....Applicants

Versus

The State of Maharashtra

....Respondent

Smt. P. Mahajan, learned Advocate for the Applicants.

Smt. K.S. Gaikwad, the learned P.O. for the Respondents.

CORAM : Shri A.H. Joshi, J.

DATE : 31.08.2018.

ORDER

1. Heard Smt. P. Mahajan, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. Issue notice before admission made returnable on 11.10.2018.
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 C.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.

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

Heard on the point of interim relief.

Applicants have placed reliance on the reported judgment of the Hon'ble Supreme Court as follows:-

Civil Appeals Nos.5318-19 of 2013 in case of Vikas Pratap Singh And Others Vs. State of Chhattisgarh and Others.

With

Civil Appeal No.5320 of 2013 in case of Rajendra Singh Kanwar and Others Vs. State of Chhattisgarh and Ors.

and

Contempt Petition No.433 of 2011 in C.A.No.5320 of 2013 in case of Rajendra Singh Kanwar and Others Vs. Rahul Bhagat and Others.

Prima facie Applicants case stand on footing which is not just but is on slightly better footing than facts of the case in the judgment of Hon'ble Supreme Court in the case of **Vikas Pratap Singh Vs. State of Chhattisgarh (Dattu, J.)**, in view of that the reshuffling in merit has been done after Applicants were appointed. due to judicial interpretation of law as applicable.


In this situation in case any adverse decision is taken against Applicants, it should not be taken without giving to Applicants notice of at least clear 30 days.

S.O. to 11.10.2018

Steno copy and Hamdast is allowed.

Learned P.O. is directed to communicate this order to the Respondents.

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Sd/-

A.H. Joshi, J. 
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

31.08.2018

O.A No 698/2018 with M.A 435/2018

Shri H.R Das ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri H.R Das, applicant in person and Ms Archana B.K, learned Presenting Officer for the Respondents.

2. At the end of hearing, party in person prays for withdrawal of O.A & M.A with liberty to file fresh O.A.

3. Liberty as prayed for is granted. Both O.A and M.A are disposed of as withdrawn.

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. : H.R. Das, applicant

Advocate for the Applicant in person.

Shri/Smt. : Archana B.K.

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

Ad./S.O. to Both O.A and M.A
are disposed of as withdrawn.

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Attn

[Handwritten signature]
Sd/-

T.A.H Joshi, *[Handwritten signature]*
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 31.08.2018

M.A.No.434/2018 in O.A.No.397/2018 with M.A.No.280/2018

Shri A.K. JagtapApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri M.A. Jadhav, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
2. On one time excuse, Misc. Application is allowed.
3. O.A.No.397 of 2018 and M.A.No.280 of 2018 are restored.

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. M.A. Jadhav

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

Adt./S.O. to M.A. is allowed.

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Handwritten signature
Sd/-

(A.H. Joshi,
Chairman)

sba

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 31.08.2018

O.A.No.802 of 2018

S.T. GhodakeApplicant

Versus

The State of Maharashtra & Ors.Respondents.

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

2. At the request of the learned Advocate for the Applicant, adjourned to 4.09.2018.

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt : L.S. Deshmukh

Advocate for the Applicant

Shri/Smt : K.S. Gaikwad

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

Ad/S.O. to 4/9/2018

H.T.
B.K.

sba

Sd/-

(A.H. Joshi)
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

31.08.2018

O.A No 756/2018

Shri R.R Desai ... Applicants

Vs.

The State of Maharashtra & Ors... Respondents

1. None for the applicant in person and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 8.10.2018.

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


4. Applicants are 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. Applicants are directed to file affidavit of compliance and notice.

7. In case notice is not collected within 3 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. S.O to 8.10.2018.


Sd/-

**(A.H Joshi, J.)
Chairman**

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. : None for the appl.

Advocate for the Applicant

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

Advised to Issue notice
returnable on 8/10/2018.



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

Date : 31.08.2018

O.A.No.04 of 2018 with O.A.No.689 of 2018

S.M. Jadhav & Ors. (O.A.No.04 of 2018)

G.R. Pachpor (O.A.No.689 of 2018)

....Applicants

Versus

The State of Maharashtra & Ors.

....Respondents.

1. Heard Shri C.T. Chandratre, the learned Advocate with Shri A.V. Bandiwadekar, the learned Advocate for the Applicant in O.A.No.04 of 2018, Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondent Nos.1 to 3 and Shri S.S. Dere, the learned Advocate for the Respondent No.4. None for Applicant in O.A.No.689 of 2018.

2. Learned Advocate for the Applicant Shri Bandiwadekar prays for two weeks time to consider whether rejoinder would be necessary and also prays for continuation of interim relief.

3. Learned C.P.O. for the Respondents opposes for continuation of interim relief on the ground that entire process of promotion to the post of P.S.I. is held.

4. It is clarified that if the promotions are to be processed in view of the decision communicated through circular dated 10.08.2018, the interim relief passed by this Tribunal shall come in the way.

5. S.O. to 24.09.2018.

6. Steno copy and Hamdast is allowed.

7. Learned C.P.O. is directed to communicate this order to the Respondents.

Sd/-

(A.H. Joshi, J)
Chairman

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. : C.T. Chandratre the
with Adv. A.V. Bandiwadekar
Advocate for the Applicant

Shri/Smt. : S.P. Manchekar
C.P.O. for the Respondents 1 to 3.
Adv. S.S. Dere Ld. Adv. for
Adv/S.O. to R.No. 4.

DATE : 24/9/2018.

Steno copy and Hamdast
is allowed.

MJ
Date

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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31.08.2018

O.A No 782/2018

Shri P.K Sawant ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. Issue notice returnable on 10.10.2018.

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

4. Applicants are 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. Applicants are directed to file affidavit of compliance and notice.

7. In case notice is not collected within 3 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. Special attention to paras 6.16, 6.19, 6.20, 6.23, 6.24, 6.26 & 6.35 be given while answering the O.A.

9. S.O to 10.10.2018.


Sd/-

(A.H Joshi, J)
Chairman

Akn

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. Swati Manchekar

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

Adv/S.O. to Issue notice returnable

On 10/10/2018.



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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31.08.2018

O.A No 419/2018

Smt Vandana G. Koyande ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Ms Seema Saroj holding for Shri D.B Khaire, learned advocate and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.
2. In view of the request of the learned advocate for the applicant as instructed by the applicant, O.A is disposed of as withdrawn.

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Smt/Smt. Ms. Seema Saroj holding
D.B. Khaire
Advocate for the Applicant

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

As per O.A is disposed of
as withdrawn.

Sd/-

(A.H Joshi, A.H.J.)
Chairman

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Court, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 31.08.2018</p> <p>M.A.No.440 of 2018 in O.A.No.788 of 2018</p> <p>S.V. Palve & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. P. Mahajan, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</p> <p>5. M.A. is allowed.</p> <p style="text-align: right;">Sd/- (A.H. Josh)  Chairman</p> <p>sb</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

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

31.08.2018

O.A No 269/2018

Shri H.R Jadhav ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri H.R Jadhav, applicant in person and Shri N.K Rajpurohit, learned Presenting Officer for the Respondents.

2. At the request of learned P.O, adjourned to 5.9.2018.

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt: H.R. Jadhav

Advocate for the Applicant in person.

Shri/Smt: N.K. Rajpurohit

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

Adj./J.O. to 5/9/2018.

Sd/-

(A.H Joshi, J)
Chairman

Alm

[Handwritten signature]

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

Tribunal's orders

M.A. No.451 of 2018 in O.A. No.565 of 2018

The State of Maharashtra & Ors. ..Applicants
Vs.
P.P. Langote ..Respondent

Heard Shri K.B. Bhise, learned Presenting Officer for the Applicants-original Respondents and Shri A.V. Bandiwadkar, learned Advocate for the Respondent-original Applicant.

2. MA is filed by the State. Ld. PO has stated in para 8 as follows:

"8. The Applicants stated that the office of the Chief Presenting Officer has received communication dated 3.8.2018 from the office of the Orig. Respondent No.2, wherein it was informed that the directions were given to the Original Respondent No.1 to take decision at their level in view of the GR dated 19.7.2017 as the Orig. Respondent No.1 is competent authority to take decision in this regard. This letter was not shown to the Hon'ble Tribunal and therefore this failure on my part for not showing the said letter to the Hon'ble Tribunal. I tender my unconditional apology for the same and in future I will sincerely take care to place on record the communications received from the department."

(Quoted from pg.2-3 of MA)

3. In view of the statement of the Ld. PO that the department's communication dated 3.8.2018 has skipped attention, the order passed by this Tribunal on 23.8.2018 is kept in abeyance.

4. MA disposed off accordingly.

Sd/-

(A.H. Joshi, J.)
Chairman
31.8.2018

(sgl)

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. K.B. Bhise Ld. P.O.

Advocate for the Applicant (Orig. Resp.)

Shri/Smt. A.V. Bandiwadkar

Advocate for the Respondents

Adv/Sd. to MA disposed off
accordingly.

HT

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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O.A. No. 565 of 2018

P.P. Langote Applicant
Vs.
The State of Maharashtra & Ors. Respondents

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. Instead of 4.9.2018, let OA come up for hearing on 7.9.2018.

Sd/-

(A.H. JOSHI, J.)
Chairman
31.8.2018

(sgl)

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. : A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. : K.B. Bhise
Presenting Officer for the Respondent/s

Adv/S.O. to : 21/9/2018

Handwritten initials

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	31.08.2018

O.A No 773/2018

Shri J.A Surti ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.V Bandiwadékar, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. Issue notice returnable on 10.10.2018.

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

4. Applicants are 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. Applicants are directed to file affidavit of compliance and notice.

7. In case notice is not collected within 3 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. Special attention to paras 6.16. to 6.19, 6.21, 6.24, 6.26E, 6.26F, 6.26H and 6.30 to 6.33 be given while answering the O.A.

9. S.O to 10.10.2018.

Sd/-

(A.H Joshi) Chairman

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. : f.v. Bandiwadker

Advocate for the Applicant

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

Adl/S.O. to Issue notice
returnable on 10/10/2018.

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

Tribunal's orders
O.A. No. 780 of 2018

V.V. Dalvi ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Bandiwadkar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 22.10.2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within 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. Special attention to Paras 6.14, 6.16, 6.19 to 6.21, 6.25 & 6.26 be given while answering the OA.

Sd/-

(A.H. Joshi, J)
Chairman
31.8.2018

(sgl)

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadkar

Advocate for the Applicant

Shri/Smt. S.D. Dole
C.P.D.R.O. for the Respondent/s

Adl/S.O. to Issue notice
returnable on 22/10/2018.

12/11/18
Dole

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No. 212 of 2017
<p>DATE : <u>31/8/2018</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. <u>S.C. Bhosale Applicant</u> Adversely for the Applicant <u>in person</u> Shri/Smt. <u>A.J. Chougule</u> C.P.O./P.O. for the Respondent/s Adl./S.O. to <u>31/8/2018</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>S.C. Bhosale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.C. Bhosale, Applicant in person and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Heard for quite some time.</p> <p>3. Earlier the matter was heard and direction was given to give personal hearing to the applicant. It is reported that the Commissioner of Police has himself given personal hearing to the applicant.</p> <p>4. Now it is disclosed before this Tribunal that a letter is written to the Director General of Police requesting forwarding a proposal for amendment in the rules to protect the seniority of transferred Constables. Ld. PO prays for time on that ground.</p> <p>5. Present case is for deciding applicant's claim as per his rights as per rules in existence at the relevant time. Any change in rules as proposed have no relevance.</p> <p>6. Therefore, the respondents are called to show cause as to why OA should not be decided at once on the basis of rules as in vogue with reference to the claim of applicant.</p> <p>7. The case is treated as part heard and will be taken for final decision on the next date.</p> <p>8. S.O. to 5.9.2018.</p> <p>9. Steno copy and hamdast is granted. Ld. PO is directed to communicate this order to the respondents.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J) Chairman 31.8.2018</p> <p>(sgl)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 31.08.2018

O.A.No.325 of 2018

Shri A.M. Jadhao

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.
2. Issue fresh notice in view of the amendment returnable on 22.10.2018.
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 or service report on affidavit is not filed three days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.O. to 22.10.2018.

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. : M. D. Lonkar

Advocate for the Applicant

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

Adj./S.O. to Issue fresh notice

in view of the amendment
returnable on 22/10/2018.

HT

Sd/-

(A.H. Joshi, J.)
Chairman

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

Tribunal's orders

Date : 31.08.2018

O.A.No.790 of 2018

Smt. V.R. Thok

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

2. Issue notice before admission made returnable on 10.10.2018.

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

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

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

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

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

8. S.O. to 10.10.2018.

Sd/-

(A.H. Joshi, C.)
Chairman

sba

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

For Applicant: A.V. Bandiwadekar

For Respondent/s:

Smt. K.S. Gaikwad

For O.A.O. for the Respondent/s

ADUS.O. to Issue notice before
admission made returnable
on 10/10/2018.

HTK

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

Date : 31.08.2018

O.A.No.196 of 2018

Shri N.V. ChoudharyApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. S. Saroj, the learned Advocate holding for Shri D.B. Khaire, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant states that the Applicant does not want to proceed with the O.A. and wants to withdraw the same.

3. In view of the statement of the learned Advocate for the Applicant, Original Application is disposed of as withdrawn.

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. S. Saroj He Ld. Adv.
holding for Shri D.B. Khaire
Advocate for the Applicant

Shri/Smt. K.B. Bhise
P.O.P.O. for the Respondents

NOTE/S.O. to O.A. is disposed
as withdrawn.

File


Sd/-


A.H. Joshi,
Chairman

sba

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

Tribunal's orders

Date : 31.08.2018

O.A.No.811 of 2018

Shri A.S. Shenolikar

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 10.10.2018.

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

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

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

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

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

8. S.O. to 10.10.2018.


Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Adv/S.O. to Issue notice before
admission made returnable
10.10.2018.



**ADMINISTRATIVE TRIBUNAL
MUMBAI**

of 20

of 20

TINUATION SHEET NO.

Tribunal's orders

31.08.2018

O.A No 772/2018

Shri T.J Padvi ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. Issue notice returnable on 10.10.2018.

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

4. Applicants are 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. Applicants are directed to file affidavit of compliance and notice.

7. In case notice is not collected within 3 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.

8. Special attention to paras 6.16. to 6.19, 6.21, 6.24, 6.26E, 6.26F, 6.26H and 6.30 to 6.33 be given while answering the O.A.

9. S.O to 10.10.2018.

Sd/-

(A.H Joshi, J.)
Chairman

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

Tribunal's orders
O.A. No.680 of 2018

S.R. Ahire ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Bandiwadkar, learned Advocate for the Applicant and Miss Savita Suryawanshi, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 18.9.2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within 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. It is hoped that at the time of filing reply the record relied upon by the respondents should be annexed to the affidavit in reply.

DATE : 31/8/2018

CORAM :

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

APPEARANCE:

Shri/Smt. : A.V. Bandiwadkar

Advocate for the Applicant

Shri/Smt. : Savita Suryawanshi
C.P.O./P.O. for the Respondents

Ad/S.O. to Issue notice returnable
on 18/9/2018.

HT

(sgl)

Sd/-

(A.H. Joshi, J.)
Chairman
31.8.2018

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 810 OF 2018

DISTRICT : THANE

Shri T.L Savane

) ... **Applicant**

Versus

The State of Maharashtra & Others

) ... **Respondents**

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

Ms Neelima Gohad, learned Presenting Officer for the Respondents.

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

DATE : **31.08.2018**

ORDER

1. Heard Shri M.D Lonkar, learned advocate for the applicants and Ms Neelima Gohad, learned Presenting Officer for the Respondents.
2. Issue notice returnable on 22.10.2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicants are 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 nearing.
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. Applicants are directed to file affidavit of compliance and notice.
7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.



8. Heard on interim relief. What prima facie appears is that impugned communication dated 14.8.2018 is contrary to Rule 4 of the Maharashtra Education Service, Administrative Officers (Municipal Education Boards), Assistant Deputy Education Inspectors, Assistant Project Officers, Assistant Teachers in Teachers' College, Coordinator, Counsellor, Extension Officer (Maharashtra State Education Research and Training Council, Pune), Lecturers in Junior Colleges, Programme Assistants, Scientific Supervisors, District Scientific Supervisors, Special Assistants, Subject Experts and Technical Assistants (Recruitment Rules), 2005.
9. In view of this matter, applicant has made out a case for grant of interim relief.
10. It is not the situation where somebody is promoted without there being a post. The objection raised is about applicability of rules. The case involves matter of interpretation of rules.
11. Therefore, in the interest of justice, it shall be open to grant interim relief.
12. Interim relief is granted in terms of prayer clause 15(b).
13. S.O to 22.10.2018.
14. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.



Sd/-

(A.H. Joshi, U.)
Chairman

Place : Mumbai
Date : 31.08.2018
Dictation taken by : A.K. Nair.