

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 35 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 28 JAN 2016

M.A. No. 10/2016 IN O.A. No. 296/2011.

- | | | | |
|---|---|---|--|
| 1 | Govt. of Maharashtra, Through Principal Secretary, Agriculture Dept., Mantralaya, Mumbai. | 2 | Govt. of Maharashtra, Through Principal Secretary, Higher and Technical Education Department, Mantralaya, Mumbai. |
| 3 | The Divisional Joint Director, Kolhapur Division, Kolhapur-3. | 4 | Commissioner for Agriculture, M.S., Pune-1. |

.....**APPLICANT/S.(Ori. Resp.)**

VERSUS

- 1 Shri. Mahadeo B. Kalaskar,
R/at. A/P. Venegaon, Tal. & Dist. Satara-415 518.

.....**RESPONDENT/S.(Ori. Appli.)**

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 20th day of **January, 2016** has made the following order:-*

APPEARANCE : Shri K.B. Bhise, P.O. for the Applicants (Ori.Resp.)
Shri M.D. Lonkar, Advocate for the Respondent (Ori. Appli.)

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**
HON'BLE SHRI R.B. MALIK, MEMBER(J).

DATE : **20.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Amal
28/1/2016

**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

MA No. 10/16 in OA No. 296/11

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|--|
| | <p data-bbox="885 629 1291 667"><u>MA No.10/16 in OA No.296/11</u></p> <p data-bbox="743 705 1430 853">Heard Shri K.B. Bhise, learned Presenting Officer for the Applicants-original Respondents and Shri M.D. Lonkar, learned Advocate for the Respondent-original Applicant.</p> <p data-bbox="743 891 1430 1151">2. We have heard the submissions after having perused the record and proceedings. Shri Lonkar, Ld. Advocate received the notice hereof and made a statement that he does not want to file reply. The MA seeks extension of time to comply with or challenge our order dated 4.12.2015 by 3 months. In the OA itself we granted time of four weeks only.</p> <p data-bbox="743 1189 1430 1697">3. For the reasons to be presently set out it is not at all necessary to protract this MA any further. By the order above referred to in disposing off the OA we directed the respondents to consider the reappointment of the applicant to the post of Agriculture Assistant. We further observed that there did not appear to be any further impediment and if that be so, the order of appointment be issued within 4 weeks from 4.12.2015. A perusal of the said judgment would show that we referred to a number of earlier orders of this Tribunal, as well as judgments of the Hon'ble High Court in one of which matter the Special Leave to Appeal came to be dismissed by the Hon'ble Supreme Court.</p> <p data-bbox="743 1736 1430 1883">4. Now that being the state of affairs and the further fact that the perusal of para 3 of this MA would show that the matter as far as the original respondents is concerned, is well in the realm of</p> |

Order Nos. Office Memoranda of Orders
Appointments, Tribunal's orders, ~~Directives~~
Directives and Registrar's orders

Tribunal's orders

seeking various opinions etc. Even as the original respondents take time we see no reason why in the absence of any stay order from the Hon'ble High Court our order should not be executed. In any event it is not as if the original respondents will become totally remediless and they can always move the Hon'ble High Court for interim relief. However, in the OA instituted in 2011 we cannot countenance just for asking the fruits of success to be endlessly delayed to the original applicant. MA is, therefore, hereby dismissed with no order as to costs.

DATE: 20/1/16

OPINION:

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

Hon'ble Shri B. B. MALIK (Member) ✓

APPEARANCE:

Shri. ~~Shri.~~ K. P. Alise

~~P.O.~~
Advocate for the Applicant:

Shri. ~~Shri.~~ M. D. Loukar

~~P.O.~~
Advocate for the Respondents

order passed in
the Tribunal's
order.

MA is dismissed

sd/
(R.B. Malik) 20/1/16
Member (J)
20.1.2016

(sg)

sd/
(Rajiv Agarwal)
Vice-Chairman
20.1.2016

TRUE COPY

sd/
28/1/2016
Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai