

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**CONTEMPT APPLICATION NO 42 OF 2017  
IN  
ORIGINAL APPLICATION NO 970 OF 2014**

**DISTRICT : SOLAPUR**

Dr Vaibhav Dattatraya Shinde )...**Applicant**

**Versus**

Dr Pradeep Kumar Vyas, Secretary )  
Public Health Department, Mantralaya, )  
Mumbai 400 032 & two others )...**Respondents**

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

Ms Swati Manchekar, learned C.P.O with Ms Savita Suryavanshi,  
learned Presenting Officer for the Respondents.

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

**DATE** : **27.3.2018**

**ORDER**

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Ms Swati Manchekar, learned C.P.O with Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer Ms Savita Suryavanshi, has tendered affidavit of Dr Pradeep Vyas, Principal Secretary, Public Health Department. Perused the affidavit. The stand is taken by

Principal Secretary, Dr Pradeep Vyas, that because the seniority of subject matter list cannot be finalized immediately, and therefore the date of meeting of the D.P.C cannot be advanced.

3. Learned Advocate for the applicant had objected to the stance contained in the affidavit of contemnor, because, since only 26 posts are to be filled in, finalization of list of 100 eligible candidates at the most being in the upper part of the seniority is needed, and for that purpose demand of longer span is unnecessary.

4. List of at the most 100 eligible candidates is to be finalized and this can be done with reference to the seniority list of the candidates recruited in the year 2008 and 2009 at the most from 2010.

5. Learned P.O after taking instructions from the Officer, who was available for instruction submitted that unless list is finalized up to the year 2016, the D.P.C cannot be held.

6. At this stage, learned P.O was called to ask learned C.P.O to remain present. Accordingly, Learned C.P.O appeared. Learned C.P.O has pointed out that the stand of the Principal Secretary revealed through the affidavit, evidenced that the stance subject matter is taken without due application of mind and with contemptuous attitude.

7. At his stage, learned C.P.O prayed for time to discuss the matter with the Principal Secretary, Dr Pradeep Vyas and come back. After taking 45 minutes, learned C.P.O has arrived and informed that it is not possible to change the stance taken by the Principal Secretary - Dr Pradeep Vyas.

8. Learned C.P.O was cautioned that conduct of the Respondents will amount to aggravating the contempt, and if learned CPO chooses, may speak to the Principal Secretary, Dr Pradeep Vyas once again.

9. Learned C.P.O again took time. Hearing was again adjourned for 20 minutes. Learned CPO, went, and came back and informed that now the Principal Secretary has agreed to restrict the finalization of list to the required number of eligible candidates, and shall hold the D.P.C on 11.4.2018.

10. In view of the statement of learned C.P.O, further hearing is adjourned to 18.4.2018.

11. Respondents are directed to produce the minutes of the proceedings of the D.P.C. on next date.

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

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

**Place : Mumbai**  
**Date : 27.03.2018**  
**Dictation taken by : A.K. Nair.**