

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.10.2019.</p> <p>M. A. No.525 of 2019 in O.A.No.571 of 2019</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>M. Y. Sate & Ors. ...Respondents (Ori. Applicants)</p> <ol style="list-style-type: none"> 1. Heard Smt. Kranti Gaikwad, learned Presenting Officer for the Applicants (Ori. Respondents) and Dr. Gunratan Sadavarte, learned Counsel for the Respondents (Ori. Applicants). 2. Present M.A. is filed by the State for grant of six months time to comply the order passed by the Tribunal in O.A.No.571/2019 on 09.07.2019 whereby the directions were given to the State to comply the order of Industrial Court which has been confirmed by the Hon'ble High Court within three months. As the compliance is not made within time limit, present M.A. is filed for extension of six months period. 3. Having heard the submissions, it is explicit that the Government is not taking steps in right earnest as it ought to be. The matter pertains to pension/regularization in service. The Applicants have filed ULP complaints in Industrial Court which was decided in 2005. However, the State Government has filed W.P. No.1060/2005 which is also disposed of on 22.10.2013 maintaining the order passed by Labour Court as well as Industrial Court. As such, in fact the Government ought to have complied the orders passed by the Industrial Court and maintained by the Hon'ble High Court much earlier. Later, the Applicant has filed O.A. where on the statement made by the Government, the matter was disposed of for compliance of the judgment of Industrial Court within three months. 4. The explanation sought to be given by the learned P.O. that file is under process and time is required for necessary compliance, is not acceptable as the Government had already taken more than five years to implement the order of Industrial Court. However, considering the submissions of learned P.O. that file is already under process, I am inclined to grant one month's time from today. 5. In view of above, M.A. is disposed of by extending one month's time for compliance of the order passed by the Tribunal in O.A.No.571/2019. No further extension will be granted. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders

Date : 01.10.2019.

O.A.No.765 of 2019

Dr. G. K. DesaiApplicant
Versus
The State of Maharashtra & Ors. ...Respondents.

- 1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Ms N. G. Gohad, learned P.O. for the Respondents.
- 2. In the present O.A., the Applicant has challenged the transfer order dated 19.07.2019 whereby he is transferred from Mangaon, Dist. Raigad to Kalambani, Dist. Ratnagiri on the ground that it is in contravention of Section 4(4)(ii) and 4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005').
- 3. The Tribunal has granted interim relief by order dated 06.08.2019 having noticed no administrative exigency is made out for mid-term transfer. The Tribunal has gone through the file tendered by the learned P.O. and it was noticed that the Applicant was shown transferred on request. However, there was no such request in reality. Taking note of all these facts, interim relief is granted by the Tribunal and transfer was stayed.
- 4. Today, learned P.O. on instructions submits that the department is in process of cancelling the transfer order dated 19.07.2019 and the file is being placed before the Hon'ble Chief Minister for approval but the same is not approved due to election code of conduct. Learned P.O. further submits that interim relief can be made absolute as the file of cancellation of transfer order is already under process as instructed to her by Shri Vijaykumar Adhayage, Legal Consultant, PHD, Mantralaya, Mumbai.
- 5. In view of above, ex-facie, there is no compliance of Section 4(4)(ii) and 4(5) of 'Act 2005'. The Respondents failure to file reply also shows that they do not want to contest the O.A. which is also reflected in view of its decision to cancel the transfer order.
- 6. In view of above, interim relief granted by the Tribunal on 16.08.2019 is made absolute. Original Application is accordingly disposed of with no order as to costs.

Sd/-
(A.P. Kurhekar)
Member(I)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.10.2019.</p> <p>M.A. No.469 of 2019 in O. A. No.859 of 2019</p> <p>S. A Pawar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 04.11.2019. 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 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 or service report on affidavit is not filed 3 days before returnable date, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 04.11.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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
	<p>Date : 01.10.2019.</p> <p>M.A. No.468 of 2019 in O. A. No.859 of 2019</p> <p>S. A Pawar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi , learned Counsel for the Applicant and Smt. Archana B. K., 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 case is 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.No.468/2019 is allowed.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

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

Tribunal's orders

Date : 01.10.2019.

O.A.No.518 of 2019

S. M. SonawaneApplicant
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant has challenged transfer order dated 31.05.2019 on the ground of competency of Competent Authority as well as for non compliance of the provision of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005').

3. On 11.06.2019, the Tribunal has granted interim relief having noted that no reason much less special case or any administrative exigency is made out and the Applicant has been transferred without compliance of the provision of 'Act 2005'.

4. The Respondent No.2 was posted in place of the Applicant but in view of interim relief granted by the Tribunal, the Respondent No.2 was not posted.

5. However, in the meantime, the Respondent No.2 is promoted and posted at Sawantwadi, Dist. Sindhudurg. On the above background, on last date on 30.07.2019 the directions were given to P.O. to take instructions from the department to know whether the State wants to contest the O.A. in view of promotion and posting of the Respondent No.2.

6. Today, learned P.O. fairly stated that the State does not want to contest the O.A. ^{by P.O.} interim relief be made absolute.

7. In view of above, interim relief granted by the Tribunal on 11.06.2019 is made absolute. Original Application is accordingly disposed of with no order as to costs.

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 : 01.10.2019.

M.A. No.464 of 2019 in O. A. No.855 of 2019

D. P. Jadhav

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi ,
learned Counsel for the Applicant and Ms N. G. Gohad,
learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on
04.11.2019.

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
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 or
service report on affidavit is not filed 3 days before
returnable date, Misc. Application shall stand dismissed
without reference to Tribunal and papers be consigned to
record.

8. S.O. to 04.11.2019.

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 : 01.10.2019.

M.A. No.466 of 2019 in O. A. No.857 of 2019

Y. K. NevaseApplicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi ,
learned Counsel for the Applicant and Smt. Kranti Gaikwad,
learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on
04.11.2019.

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
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 or
service report on affidavit is not filed 3 days before
returnable date, Misc. Application shall stand dismissed
without reference to Tribunal and papers be consigned to
record.

8. 5.O. to 04.11.2019.

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
	<p>Date : 01.10.2019.</p> <p>M.A. No.465 of 2019 in O. A. No.856 of 2019</p> <p>V. S. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi , learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission returnable on 04.11.2019.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>8. S.O. to 04.11.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders

Date : 01.10.2019.

M.A. No.463 of 2019 in O. A. No.854 of 2019

N. R. BhosaleApplicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi ,
learned Counsel for the Applicant and Smt. Kranti Gaikwad,
learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on
04.11.2019.

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
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 or
service report on affidavit is not filed 3 days before
returnable date, Misc. Application shall stand dismissed
without reference to Tribunal and papers be consigned to
record.

8. S.O. to 04.11.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

11/5/19
G.R.

(G.C.P.) J 1726(B) (20,000—10-2013)

(Spl.- MAT-F-2 E.

**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 : 01.10.2019.

M. A. No.237 of 2019 in O.A.No.434 of 2019 with
M.A.No.238 of 2019 in O.A.No.435 of 2019 with
M.A.No.264 of 2019 in O.A. No.450 of 2019

N. S. Yande & Ors.Applicants

Versus

The State of Maharashtra & Ors....Respondents.

1. Heard Smt. Prachi Hendre holding for Shri
V. V. Joshi , learned Counsel for the Applicant and
Smt Archana B. K., learned Presenting Officer for
the Respondents.

2. Today, learned P.O. for the Respondents
has filed Affidavit-in-Reply in Misc. Applications.
These are taken on record.

3. These Misc. Applications along with other
connected Misc. Applications be fixed for
hearing.

4. S.O. to 04.11.2019.

Sd/-

(A.P. Kurhekar)
Member(I)

vsm

(G.C.P.) J 1726(B) (20,000—10-2013)

(Spl.- MAT-F-2 E.

**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
	<p>Date : 01.10.2019.</p> <p>M. A. No.236 of 2019 in O.A.No.433 of 2019</p> <p>B. R. KalekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi, learned Counsel for the Applicant and Smt Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. for the Respondents has filed Affidavit-in-Reply in Misc. Applications. It is taken on record.</p> <p>3. The matter is adjourned for hearing on 15.10.2019.</p> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders ar directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.10.2019.</p> <p>M.A. No.517 of 2019 in O. A. No.951 of 2019</p> <p>B. R. Galkwad ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi , learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.2. Issue notice before admission returnable on 04.11.2019.3. 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 hook 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 or service report on affidavit is not filed 3 days before returnable date, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record.8. S.O. to 04.11.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

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

Tribunal's orders

Date : 01.10.2019.

M.A. No.467 of 2019 In O. A. No.858 of 2019

S. R. Pawar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Prachi Hendre holding for Shri V. V. Joshi, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 04.11.2019.

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 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 or service report on affidavit is not filed 3 days before returnable date, Misc. Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 04.11.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**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 : 01.10.2019

O.A.No.327 of 2019

S.M. Tayade & Ors. / applicants
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Smt. K.S. Gaikwad, P.O. holding for Ms. S.P. Manchekar, learned C.P.O. for the Respondents. None for the Applicants.

2. Learned P.O. for the Respondents has filed short affidavit-in-reply on behalf of Respondent No.1 objecting for filing of O.A. at Mumbai Bench, on the ground that Applicant belongs to District Buldhana which is within the jurisdiction of the Tribunal at Nagpur Bench.

3. Adjourned to 17.10.2019.

Sd/-

Sd/-

(A.P. Kurhekar)
Member(J)

(P.N. Dixit)
Vice-Chairman

prk

**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
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Date : 01.10.2019

M.A.No.412 of 2019 in O.A.No 789 of 2017

S.K. Pawar Applicant

Versus

The State of Maharashtra & Ors. Respo. dents

1. Heard Ms. N.G. Gohad, learned P.O. hr ding for Smt. K.S. Gaikwad, learned P.O. for the Respor dents. None for the Applicant.

2. Learned P.O. for the Respondents s' omits that she will file affidavit-in-reply within two weeks

3. At her request adjourned to 15.10.2019.

Sd/-

Sd/-

(A.P. Kurhekar)
Member(J)

(P.N. Dixit)
Vice-Chairman

prk

**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
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Date : 01.10.2019

C.A.No.45 of 2019 in O.A.No.651 of 2018

R.V. Somane Applicant
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Shri S.G. Rane, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned P.O. for the Respondents.

2. Learned Advocate for the Applicant submits that the Contempt Petition may be kept pending as he proposes to serve notices in person.

3. Accordingly, Contempt Petition is kept pending.

Sd/-

Sd/-

(A.P. Kurhekar)
Member(J)

(P.N. Dixit)
Vice-Chairman

prk

**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
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Date : 01.10.2019

O.A.No.418 of 2019

N.S. Galkwad Applicant
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Ms. N.G. Gohad, learned P.O. holding for Ms. S.P. Manchekar, learned C.P.O. for the Respondents. None for the Applicant.

2. Learned P.O. for the Respondents seeks adjournment for three weeks for hearing as her brief is not traceable.

3. Adjourned to 23.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Sd/-

(P.N. Dixit)
Vice-Chairman

**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
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Date : 01.10.2019

O.A.No.338 of 2019

C.S. Bharude Applicant

Versus

The State of Maharashtra & Ors. Respondents

1. Heard Ms. N.G. Gohad, learned P.O. for the Respondents. None for the Applicant.

2. Learned P.O. for the Respondents submits that reply has been filed and learned Advocate has sought adjournment for filing rejoinder.

3. Today during hearing learned Advocate for the Applicant was absent.

4. Adjourned to 05.11.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Sd/-

(P.N. Dixit)
Vice-Chairman

**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
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Date : 01.10.2019

O.A.No.1355 of 2019

M.K. Subedar Applicant
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Smt. K.S. Gaikwad, learned P.O. for the Respondents No.1 to 3.
2. Applicant as well as learned Advocate for the Applicant are absent.
3. In this matter, the Hon'ble High Court has remanded the matter with directions to hear it on priority.
4. Adjourned to 03.10.2019.

Sd/-

Sd/- _____

(A.P. Kurhekar)
Member(J)

(P.N. Dixit)
Vice-Chairman

prk

**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
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Date : 01.10.2019

O.A.No.618 of 2019

S.S. Sawant Applicant
Versus
The State of Maharashtra Respondent

1. Heard Ms. N.G. Gohad, learned P.O. holding for Ms. S.P. Manchekar, learned C.P.O. for the Responder . None for the Applicant.

2. Learned P.O. for the Respondents seek . one week for filing reply.

3. Adjourned to 10.10.2019.

Sd/-

Sd/-

(A.P. Kurhekar)
Member(J)

(P.N. Dixit)
Vice-Chairman

prk

**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
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Date : 01.10.2019

O.A.No.597 of 2019

R.K. Jadhav Applicant
Versus
The State of Maharashtra Respondent

1. Heard Smt. Archana B.K., learned P.O. for Ms. S.P. Manchekar, learned C.P.O. for the Respondent. None for the Applicant.

2. Learned P.O. for the Respondent, seeks three weeks for filing reply.

3. Adjourned to 23.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Sd/-

(P.N. Dixit)
Vice-Chairman

**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
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Date : 01.10.2019

C.A.No.37 of 2019 in O.A.No.322 of 2017

Dr. P.W. Khandezod Applicant

Versus

The State of Maharashtra & Ors. Respondents

1. Heard Ms. N.G. Gohad, learned P.O. holding for Smt. Archana B.K., learned P.O. for the Respondents and Smt. Geeta G. Gavli, learned Advocate for the Respondent No.3. None for the Applicant.

2. Smt. Geeta G. Gavli, learned Advocate for the Respondent No.3 in Contempt (District Health Officer, Zilla Parishad, Palghar) submits that the compliance would be done within a week.

3. At her request adjourned to 10.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Sd/-

(P.N. Dixit)
Vice-Chairman

**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
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Date : 01.10.2019

O.A.No.833 of 2019

O.K. Pajai Applicant
Versus
The State of Maharashtra Respondent

1. Heard Smt. Archana B.K., learned P.O. for the Respondent. None for the Applicant.
2. Learned P.O. for the Respondents seeks adjournment for three weeks.
3. Adjourned to 23.10.2019.

Sd/-

Sd/-

(A.P. Kurhekar)
Member(J)

(F.N. Dixit)
Vice-Chairman

prk

**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
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Date : 01.10.2019

O.A.No.538 of 2019

P.D. Gaikwad Applicant
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Smt. K.S. Gaikwad, learned P.O. holding for Smt. Archana B.K., learned P.O. for the Respondents. None for the Applicant.

2. Learned P.O. for the Respondents seeks one week for filing reply.

3. Adjourned to 09.10.2019.

Sd/-

Sd/-

(A.P. Kurhekar)
Member(J)

(P.N. Dixit)
Vice-Chairman.

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applica t/s

(Advocate)

versus

The State of Maharashtra and others

..... Resp ndent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 01.10.2019

O.A.No.540 of 2019

P.P. Nandlaskar Applicant
Versus
The State of Maharashtra Respondent

1. Heard Ms. N.G. Gohad, learned P.O. holding for Ms. S.P. Manchekar, learned P.O. for the Respondent. None for the Applicant.
2. Learned P.O. for the Respondents has filed affidavit-in-reply on behalf of Respondent. The same is taken on record.
3. Adjourned to 10.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Sd/-

(P.N. Dixit)
Vice-Chairman

**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
	<p>Date : 01.10.2019</p> <p>O.A.No.455 of 2019</p> <p>A.T. Patil Applicant Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Ms. N.G. Gohad, learned P.O. for the Respondents. None for the Applicant.</p> <p>2. Learned P.O. for the Respondents seeks two weeks time as instructions are yet to be received.</p> <p>3. Adjourned to 23.10.2019.</p> <p>Sd/- _____ Sd/- _____ (A.P. Kurhekar) (P.N. Titit) Member(J) Vice-Chairman</p> <p>prk</p>

**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. No.685 of 2016 with O.A. No.703 of 2016

H.B. Gawhane
C.D. Pawar ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Applicants and Advocate for the Applicant are absent. Heard Smt. Archana B.K., learned Presenting Officer for Respondents No.1 & 2 and Shri P.S. Devdas, learned Advocate for Respondent No.3.

2. Ld. Advocate for respondent no.3 files rejoinder and the same is taken on record.

3. These matters have been remanded by the Hon'ble High Court by order dated 18.1.2019 in W.P. No.2931 of 2017 directing this Tribunal to hear the matters within four weeks. The matters are already delayed and therefore should be heard expeditiously.

4. S.O. to 10.10.2019 high on board.

Sd/-

(A.P. Kurhekar)
Member (J)
1.10.2019

(sgj)

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
1.10.2019

**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 : 01.10.2019

M.A.No.495 of 2019 in O.A.No.218 of 2018

P.G. Lakhat & Ors. Applicants
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Ms. N.G. Gohad, learned P.O. holding for Ms. S.P. Manchekar, learned C.P.O. for the Respondents. None for the Applicant.

2. Learned P.O. for the Respondents seeks adjournment for filing reply.

3. Adjourned to 16.10.2019.

Sd/-

Sd/-

(A.P. Kurhekar)
Member(J)

(P.N. Dixit)
Vice-Chairman

prk

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 : 01.10.2019
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O.A.No.812 of 2019

V.A. Chormale Applicant
Versus
The State of Maharashtra Respondent

1. Heard Smt. Archana B.K., learned P.O. holding for Shri A.J. Chougule, learned P.O. for the Respondent. None for the Applicant.

2. Learned P.O. for the Respondents seeks adjournment for three weeks.

3. Adjourned to 23.10.2019.

Sd/-

Sd/-

(A.P. Kurhekar)
Member(J)

(P.N. Dixit)
Vice-Chairman

prk

**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
	<p>Date : 01.10.2019</p> <p>O.A.No.753 of 2019 with M.A.No.407 of 2019 with M.A.No.406 of 2019 with M.A.No.515 of 2019 with O.A.No.753 of 2019</p> <p>B.V. Lokhande & Ors. Applicants Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Ms. N.G. Gohad, learned P.O. for the Respondents. None for the Applicant.</p> <p>2. Learned P.O. for the Respondents seeks adjournment for three weeks.</p> <p>3. Adjourned to 23.10.2019.</p> <p>Sd/- Sd/- : (A.P. Kurhekar) (P.N. Dixit) Member(J) Vice-Chairman</p> <p>prk</p>

**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 : 01.10.2019

O.A.No.753 of 2019 with M.A.No.407 of 2019 with
M.A.No.406 of 2019 with M.A.No.515 of 2019 with
O.A.No.753 of 2019

B.V. Lokhande & Ors. Applicants
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Ms. N.G. Gohad, learned P.O. for the Respondents. None for the Applicant.

2. Learned P.O. for the Respondents seeks adjournment for three weeks.

3. Adjourned to 23.10.2019.

Sd/-

Sd/-

(A.P. Kurhekar)
Member(J)

(P.N. Dixit)
Vice-Chairman

prk

**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
	<p>Date : 01.10.2019</p> <p>O.A.No.456 of 2019</p> <p>D.S. Gomiadu Applicant Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Smt. K.S. Gaikwad, learned P.O. holding for Ms. S.P. Manchekar, learned C.P.O. for the Respondents. None for the Applicant.</p> <p>2. Learned P.O. for the Respondents seeks three weeks.</p> <p>3. Adjourned to 23.10.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p>

**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, Appearances, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.10.2019</p> <p>O.A.No.234 of 2018</p> <p>P.R. Wagh & Ors. Applicants Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Smt. K.S. Gaikwad, learned P.O. holding for Ms. S.P. Manchekar, learned C.P.O. for the Respondents. None for the Applicant.</p> <p>2. Learned P.O. for the Respondents seeks adjournment of four weeks for filing reply by way of last chance.</p> <p>3. The matter is pending for last several months and learned P.O. states that she is awaiting instructions from the office of Respondent No.4.</p> <p>4. Adjourned to 23.10.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p>

**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
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Date : 01.10.2019

O.A.No.244 of 2019
(Subject : Time Bound Promotion)

R.B. Jagtap Applicant
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Ms. Prachi Hendre, learned Advocate holding for Shri V.V. Joshi, learned Advocate for the Applicant and Ms. N.G. Gohad, learned P.O. holding for Ms. S.P. Manchekar, learned C.P.O. for the Respondents.

2. Learned Advocate for the Applicant produces order by this Tribunal on 24.09.2019 passed in O.A.No.692/2019 with M.A.No.370/2019 and submits that identical order may be passed in the present O.A. as well.

3. Respondents are directed to take similar action as stated in O.A.No.692/2019 with M.A.No.370/2019. The order may be complied within four months from the date of issue of this order.

4. With the above directions, O.A. is disposed off.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Sd/-

(P.N. Dixit)
Vice-Chairman

Date : 1/10/19
 Coram : Hon'ble Shri P. N. Dixit <VCA>
 Hon'ble Shri A. P. Kurhekar <MJ>
 Appearance
 Shri/Smt. Prachi Hendre for V.V. Joshi
 Advocate for the Applicant
 Shri/Smt. N.G. Gohad
 C.P.O. / P.O for the Respondents.

Heard
order passed in Tribunal
column
with the above directions
O.A. is disposed off.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Appli ant/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 : 01.10.2019
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O.A.No.702 of 2019

D.B. Patil Applicant
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Smt. K.S. Gaikwad, learned P.O holding for Shri A.J. Chougule, learned P.O. for the Respondents. None for the Applicant.

2. Learned P.O. for the Respondents submits that the affidavit would be filed during the course of the day.

3. Adjourned to 22.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Sd/-

(P.N. Di it)
Vice-Chairman

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 01.10.2019.</p> <p>M. A. No.510 of 2019 in M.A.No.511 of 2019 in O.A.No.916 of 2018 with M.A.No.511 of 2019 in O.A.No.916 of 2018</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus Dr. S. V. Ganu ...Respondent (Ori. Applicant)</p> <p>1. Heard Smt. Kranti Gaikwad, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri. A. V. Bhandiwade learned Counsel learned for the Respondent (Ori. Applicant)</p> <p>2. M.A. No.511/2019 is filed by the State to recall the order of cost imposed by this Tribunal in O.A.No.916/2018 by judgment dated 09.05.2019 and M.A.No.510/2019 is filed for condonation of delay in making M.A.No.511/2019. O.A.No.916/2018 is decided by this Tribunal on 09.05.2019 imposing cost of Rs.20,000/- upon the Respondents.</p> <p>3. While imposing the cost of Rs.20,000/-, the Tribunal has given reasons in Paragraph No.19 which are as follows:-</p> <p>" 19. For the aforesaid discussion, I have no hesitation to sum-up that the Act of Respondent No.1 granting invalid pension to the Applicant w.e.f. 14.08.2018 in reference to Rules 68 to 80 of 'Rules 1982' is violative of Section 47 of 'Act 1995' as well as Section 20(4) of 'Act 2016' i.e. new Act. The Applicant is entitled to service benefits till he attends the age of superannuation i.e. 31.01.2009 and O.A. deserves to be allowed. The Applicant attained the age of superannuation on 31.01.2009 but deprived of his retiral benefits for ten years. It is only after interim orders passed by this Tribunal, the pension was finalized, that too, without giving the benefit of Section 47 of the 'Act 1995' to him. the Respondents are, therefore, liable to pay cost of this litigation quantified at Rs.20,000/-. Hence, the following order.</p> <p style="text-align: right;">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>ORDER</u></p> <p>(A) The Original Application is allowed.</p> <p>(B) The Respondents are directed grant retiral benefits to the Applicant by treating his date of superannuation as 31.01.2009 and shall grant all other consequential benefits to him as per his entitlement.</p> <p>(C) All monetary benefits as well as retiral benefits be accordingly released within six weeks from today.</p> <p>(D) The Applicant is at liberty to make an application to the Respondent No.1 for grant of interest on delayed retiral benefits, which will be dealt with in accordance to Rule 129(A) and (B) of M.C.S. (Pension) Rules, 1982.</p> <p>(E) The Applicant is entitled to cost of Rs.20,000/- from the Respondents jointly and severally."</p> <p>4. Thus, O.A.No.916/2018 was filed for retiral benefits. The Applicant attained superannuation on 31.01.2009 but he was deprived of retiral benefits for ten years. During the pendency of O.A., the Tribunal has passed several interim orders giving directions to the Respondents to consider the name of the Applicant in view of the decision of the Hon'ble Supreme Court in <i>(2003) 4 SCC 524 (Kunal Singh Vs. Union of India)</i> in reference to Section 47 of Persons with Disabilities (Equal Dpportunities, Protection of Rights and Full Participation) Act, 1955. However, no such steps were taken and ultimately the Tribunal has decided the O.A. on merit. It is in that context having noticed inaction and lethargy on part of the Respondents the cost of Rs.20,000/- was imposed.</p> <p>5. If the Government felt aggrieved against the order passed by this Tribunal, it could have challenged it before appropriate forum or ought to have filed Review. However, they have not challenged the judgment. It is only after four months period, these two Misc. Applications are filed to recall the order of imposition of cost. The cost is imposed to compensate the Applicant having noticed inaction on the part of the Respondents. I therefore, see no reason to recall the order of cost.</p> <p>6. Misc. Applications are accordingly dismissed with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>