

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

Date : 02.03.2017

Tribunal's orders

O.A.No.1077 of 2016
(O.A.No.785 of 2015 N'Pur)

D.C. Girase

....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Heard for some time. It is seen that a text is contained in paragraph no.9 of O.A. as follows:-

"9."

It is submitted that, as applicant has been promoted to the post of Jailor Class II, it is not mandatory for him to pass such examination and therefore for the reason that, he has not passed such examination within stipulated time, his seniority cannot be adversely affected and he be demoted in seniority list."

(quoted from page no.7 of the O.A.)

3. In the affidavit in reply filed by the State, the averment quoted in foregoing para is not replied.

4. Respondent No.2 - Additronal Director General of Prisons and Inspector General of Prison is directed to file his own affidavit answering above quoted portion.

5. Affidavit be filed on or before 20.03.2017.

6. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

7. S.O. to 24.03.2017.

DATE: 21/3/2017

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt: K.R. Jagdale

Advocate for the Applicant

Shri/Smt: K.B. Bhise

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

Adj. To: 24/3/2017.

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(Rajiv Agarwal)
Vice-Chairman

[Handwritten signature]
(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.99 of 2016

Smt C.W. Gaikwad ... Applicant

V/s.

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

Heard Shri S.S. Diwan, the learned Advocate for the Applicant and Smt Kranti Gaikwad, the learned P.O. for the Respondent.

Affidavit-in-Rejoinder is taken on record.

Original Application is admitted and appointed for final hearing on 22.03.2017.

Sur-Rejoinder, if any, must be filed on that day and not thereafter.

Sd/-

(R.B. Malik)
Member (J)
02.03.2017

DATE: 2/3/17

CORAM:

~~Member Mr. RAJIV AGARWAL
(Vice Chairman)~~

Member Shri R. B. MALIK (Member)

APPEARANCE:

Shri S.S. Diwan

Attorney for the Respondent

~~Shri R.S. Gaikwad~~

~~Ch.P.O. for the Respondents~~

Rejoinder filed by Applicant.

O.A. is admitted.

S.O. to 22/3/17.

[Handwritten signature]

(vsm)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO.257 OF 2016
IN
ORIGINAL APPLICATION NO.897 OF 2015**

DISTRICT : MUMBAI

Shri Sharad M. Sagvekar.)...Applicant

Versus

1. The State of Maharashtra & 2 Ors.)...Respondents

Mr. S.S. Dere, Advocate for Applicant.

Mrs. A.B. Kololgi, Presenting Officer for Respondents 1 & 2.

Mr. C.T. Chandratre, Advocate for Respondent No.3.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 02.03.2017

ORDER

1. This is an application for condonation of delay in bringing the Original Application (OA) which in turn seeks the relief of deemed date of promotion to the post of Senior



Clerk from the date on which the 3rd Respondent was given promotion.

2. I have perused the Misc. Application (MA) and to the extent necessary the OA and heard Mr. S.S. Dere, the learned Advocate for the Applicant, Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents 1 and 2 who is being instructed by Mr. Santosh P. Khamkar, Secretary, State Performance Security Board and Mr. C.T. Chandratre, the learned Advocate for Respondent No.3.
3. At the time of somewhat animated debate at the Bar even at the stage of MA, reference was freely made to certain facts which strictly fall within the domain of the OA. The scope at the moment is severely restricted to this MA which is for condonation of delay. I must, therefore, make it very clear that none of my observations in this particular order will conclude any party in so far as the OA is concerned. All arguments and stand, etc. in that behalf are left open to be considered in the OA, were this application to be allowed.
4. The sum and substance of the case of the Applicant is that as per the document of the 2nd Respondent which is at Exh. 'M-1' (Page 5 of the Paper



Book (PB)) which is undated, but in any case, the recitals therein would show that it is of a date subsequent to 11th September, 2014, there was material to suggest that the Applicant was confirmed w.e.f.01.09.1994. The learned PO on instructions informs that this document was a part of the meeting of the DPC held on 9.12.1994. Therefore, let me proceed on the basis that it was a document dated 9.12.2014. That is a concrete material to suggest the *terminous-a-quo* for the purposes of the counting for the purpose of limitation. That being the state of affairs, in fact, the OA lodged in October, 2015 is within limitation. Mr. Chandratre points out, however, that this confirmation was for the post of Peon and not either Junior Clerk or Senior Clerk. Now, if that were to be so, in my view, the case of the Applicant gains further fortification because obviously, for the lowermost post, the document is of December, 2014 then the event subsequent for the higher post would be still later and there will be no question of any bar of limitation.

5. In any case, even if there was such a vice of limitation guided as I am by a number of binding judicial precedents, such applications should be approached more with a view to advance the cause of justice than to insist on narrow technicality, and therefore, examining it from

A handwritten signature in black ink, consisting of a stylized initial 'M' followed by a flourish, positioned above a horizontal line.

any angle, this application has to be allowed even if it was held that there was delay, it will have to be condoned. The Office and the Applicant shall take all steps necessary to get this OA listed before the appropriate bench for disposal. The Misc. Application is allowed in these terms with no order as to costs.

Sd/ — *RC*
2-3-17
(R.B. Malik)
Member-J
02.03.2017

Mumbai

Date : 02.03.2017

Dictation taken by :

S.K. Wamanse.

E:\SANJAY WAMANSE\JUDGMENTS\2017\3 March, 2017\M.A.257.16 in O.A.897.15.w.Condonation of Delay.doc

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

Tribunal's orders

Date : 02.03.2017

R.A.No.39 of 2016 in O.A.No.818 of 2011

The State of Maharashtra & Ors.

....Applicants (Orig. Respondents)

Versus

Shri A.V. GhumeRespondent (Orig. Applicant)

1. Heard Smt. K.S. Gaikwad, the learned P.O. for the Applicants (Orig. Respondents) and Shri V.D. Raut, the learned Advocate for the Respondent (Orig. Applicant).

2. At the request of learned P.O. time for substitution of Review Application is enlarged till tomorrow.

3. If substitution is done, issue fresh notice returnable on 5.4.2017.

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

5. 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.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988.

7. 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.

8. S.O. to.05.04.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE: 2/3/2017

CORAM:

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

Hon'ble Shri M. Ramesh Kumar (Member A)

APPEARANCE:

Shri/Smt. K.S. Gaikwad Ld. P.O.

Advocate for the Applicant (Orig. Resps)

Shri/Smt. V.D. Raut Ld. Adv.

C.P.O./P.O. for the Respondent/s (Orig. App)

Adj. To: 5/4/2017

13/4/17

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 2/3/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A-</p> <p><u>APPEARANCE:</u> Shri/Smt: A. R. Joshi Advocate for the Applicant Shri/Smt: A. G. Gohad C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: 22/3/2017</p>	<p>Date : 02.03.2017</p> <p align="center">O.A.No.1083 of 2016</p> <p>A.D. LikhharApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.R. Joshi, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that Applicant shall be satisfied if the Respondent No.1 decides Applicant's representation which is at annexure 'A-1' page no.34 of the O.A.</p> <p>3. Respondent No.1 is directed to state on the next date a time frame within which Applicant's representation at Exh 'A-1' of this O.A. shall be decided.</p> <p>4. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.</p> <p>5. S.O. to 22.03.2017.</p> <p align="right">Sd/- (A.H. Joshi, J) Chairman</p> <p>gba</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
<p><u>DATE:</u> 2/3/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt: A.V. Bandiwadkar Advocate for the Applicant Shri/Smt: H. F. Gohad C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: 15/3/2017</p> <p align="right"><i>B.K.</i></p>	<p>Date: 02.03.2017.</p> <p align="center">C.A.No.17 of 2017 in O.A.No.586 of 2016</p> <p>Dr. S.S. ChappalwarApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadkar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Ms. N.G. Gohad, the learned Presenting Officer for the Respondents states that Writ Petition is filed by the State before Hon'ble High Court but is not circulated so far.</p> <p>3. Shri A.V. Bandiwadkar, the learned Advocate for the Applicant states as follows :-</p> <p>(a) The Contempt is committed, and this fact is patent.</p> <p>(b) Time may be granted to consider as to whether the applicant is content with admission to Diploma in next academic session.</p> <p>4. S.O. to 15.03.2017.</p> <p align="right">Sd/- <i>(A.H. Joshi J.)</i> Chairman</p> <p>prk</p>

Application No. _____ of 20

DISTRICT _____ Applicant/s

Date

versus

The State of Maharashtra and others

..... Respondent/s

..... Sentencing Officer.....)

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

Tribunal's orders

In view of the fact that the OA is already on the board for final hearing, present MA has become infructuous and is disposed.

E: 2/3/17

AM:
 Justice Shri A. H. Joshi (Chairman)
 Justice Shri M. Rameshkumar (Member) A

PEARANCE :
 Advocate for the Applicant : R.S. Pawar

Advocate for the Respondent/s : A.K. Rejpurhit
 P.O. / P.O. for the Respondent/s

Obj. To: MA is disposed of.
 HT

Sd/-
 (RAJ) (AGARWAL)
 25/11/2017

Sd/-
 Arjun
 25/11/2017

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 style="text-align: center;"><u>O.A. No.711 of 2014</u> With <u>O.A. No.1078 of 2016</u> <u>(O.A.443 of 2014 N'pur)</u></p> <p>Shri S.B. Chavan & Ors. R.D. Wardhane ... Applicants</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri Sachin Chavan, the learned Advocate for the Applicants, Shri K.B. Bhise, the learned P.O. for the Respondent No.1 and Shri A.V. Bandiwadekar, the learned Advocate for Respondent Nos.2 & 3. None for Applicant in O.A. No.1078/16 and Shri K.B. Bhise, the learned P.O. for the Respondents.</p> <p>This matter is to be heard and decided by the Division Bench. It be placed before the appropriate bench currently taking up such matters.</p> <p>Removed from the board of this bench. S.O. to 22.03.2017.</p> <p>At this stage, I am informed that the first applicant in O.A. No.1078/2016 has expired. By way of caution, I direct that notice be issued to the learned Advocate who represented him when the matter was before the Nagpur Bench.</p> <p>Issue notice returnable on 22.03.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p>

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

DATE: 2/3/17

CORAM:

Hon'ble Shri. RAJIV AGARWAL

(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member) J

APPEARANCE:

Shri / Smt. Sachin Chauhan

COA 711/14. Now for the

Advocate for the Applicant

applicant (COA 1068/16)

Shri / Smt. K. B. Bliss

C.P.O. for the Respondents No. 1 (COA 711/14)

COA 1068/16

A.V. Bhandarkar for

Adj. To R.No. 223 COA 711/14

S.O. to 22/3/17.



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

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

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

S.O. to 22.03.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)

Member (J)

02.03.2017

(vsm)