

**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>DATE: <u>3/1/2019</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A)</p> <p>APPEARANCE: Shri <u>Punam Mahajan</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>S.P. Manchekar</u> C.P. /P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>O.A. is he</u> <u>returned to appl.</u></p> <p style="text-align: right;"><i>BE</i></p>	<p><u>03.01.2019</u></p> <p style="text-align: center;"><u>O.A No 1147/2018</u></p> <p>Shri Bharat P. Barjage ... Applicant</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned advocate for the applicant prays for return of papers for filing at Aurangabad.</p> <p>3. Original Application be returned to the applicant.</p> <p style="text-align: center;">Sd/- (P.N Dixit) Member (A)</p> <p style="text-align: center;">Sd/- (A.H Joshi, JP) Chairman</p> <p>Akn</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
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03.01.2019

O.A No 506 with 683/2018

Shri U.J Marathe & Ors ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms Vrushali Mairdad holding for Shri A.A Desai, learned advocate for the applicants and Ms S.P Manchekar, learned C.P.O for the Respondents.

2. Learned advocate for applicant prays for leave to amend to correct cause title of Respondent no. 2.

3. Leave as prayed for is granted.

4. S.O to 8.1.2019.

DATE: 3/1/2019

CORAM:

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

Hon'ble Shri P. N. Dixit Member (A)

APPEARANCE:

Shri/Smt. Vrushali Mairdad holding

for Shri A.A. Desai  
Advocate for the Applicant

Shri/Smt. S.P. Manchekar

C. P.O. for the Respondent/s

Adj./ S.O. to 3/1/2019

Sd/-

(P.N Dixit)  
Member (A)

Akn

Sd/-

(A.H Joshi, J.)  
Chairman

*A.H*

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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03.01.2019

M.A 470/2018 in O.A No 733/2018 with O.A 733/2018

Shri R.B Fulpagare ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms Madhavi Ayyapan, holding for Shri S.B Talekar, learned advocate for the applicant and Ms S.P Manchekar, learned C.P.O for the Respondents.

2. In the midst of hearing it transpires that applicant has failed to give due account of the grounds on which the impugned order hurts the applicant which are as well grounds for prayer for condatuon of delay.

3. Advocate for applicant prays for withdrawal of O.A with liberty to explore the facts and thereafter file fresh Original application with application for condonation of delay if required.

DATE: 3/1/2019

CORAM:

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

Hon'ble Shri P. N. Dixit Member (A)

APPEARANCE:

Shri/ Smt. Ms. Madhavi Ayyapan

holding for Shri S.B. Talekar  
Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Adj./ S.O. to: O.A & M.A withdrawn.

Sd/-

(P.N Dixit)  
Member (A)

Akn

Sd/-

(A.H Joshi)  
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. \_\_\_\_\_ of 20 \_\_\_\_\_

IN

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

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03.01.2019

R.A 25/2015 in O.A 469/2012 with O.A 682/2013 with O.A 879/2015

Dr A.R Tarale & Others ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri B.A Bandiwadekar, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned advocate Mr Bandiwadekar states that after remand of the matter by Hon. High Court, applicants have not approached him. Therefore, he expresses inability to appear in the matter in absence of fresh instruction.

3. In view of the foregoing, issue notice on Court Motion to the applicants and also the State, returnable on 7.3.2019

DATE: 3/1/2019

CORAM:

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

Hon'ble Shri P.N. Dixit Member (A)

APPEARANCE:

Shri B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Adj./S.O. to 7/3/2019

Sd/-

(P.N Dixit)  
Member (A)

Akn

Sd/-

(A.H Joshi, J.)  
Chairman

*[Handwritten initials]*

IN

**FARAD CONTINUATION SHEET NO.**

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

Tribunal's orders

03.01.2019

O.A No 271/2016

Shri D.P. Khade & Ors ... Applicants  
Vs.  
The State of Maharashtra & Ors... Respondents

1. Heard Shri Uday V. Bhosle, learned advocate for the applicants and Ms Archana B.K, learned Presenting Officer for the Respondents.

2. Issue notice returnable to added Respondents on 7.3.2019.

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 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.

Sd/-

(A.H Joshi, J.)  
Chairman

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.9 OF 2019

S.M. Gadhave & Ors. ....Applicants  
Versus  
The State of Maharashtra & Ors. ...Respondents.

Shri A.V. Bandiwadekar, the learned Advocate for the Applicants.

Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

CORAM : Shri A.P. Kurhekar, Member(J)

DATE : 03.01.2019.

**ORDER**

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. In the present matter applicants who are at present working as Senior Clerk in District Palghar in terms of order dated 27.06.2017 and 17.07.2017 are seeking directions for the repatriation in Thane District in terms of impugned order itself.
3. It appears that in view of the creation of new District namely Palghar some staff from Thane District were temporarily shifted to Palghar District and they were supposed to be brought back as per seniority in due course.
4. On the above background, the learned Advocate Shri A.V. Bandiwadekar prays for interim relief contending that in Thane District promotional posts are vacant and if those are filled-in the applicants would be looser. Learned Advocate therefore prays for interim relief.
5. Whereas learned P.O. made a statement that at present there is no move of any promotion and therefore apprehension of applicants is misplaced.
6. In view of the above issue notice before admission returnable on 31.01.2019.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

8. 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.

9. 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.

10. 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.

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

12. S.O. to 31.01.2019.

1.6  
Sd/-

(A.P. Kurhekar)  
Member(J)

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.8 OF 2019

M.D. Sorte

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

Shri S.D. Dole, the learned Presenting Officer for the Respondents.

CORAM : Shri A.P. Kurhekar, Member(J)

DATE : 03.01.2019.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents.
2. In the present case the applicant has sought interim stay to order dated 03.10.2019, whereby pay scale granted to be Applicant by order dated 08.10.2010 has been revised. In view of this order applicant apprehend recovery from his salary and therefore prays for interim relief.
3. Learned P.O. Shri S.D. Dole for the Respondents made a statement that at present there is no move for the recovery of any amount from the Applicant. In view of the statement made by learned P.O. there is no need to pass any stay order at present.
4. Issue notice before admission returnable on 31.01.2019.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. 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.



7. 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.
8. 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.
9. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
10. S.O. to 31.01.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.916 OF 2018

Dr. S.V. Ganu

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

Smt. Archana B.K., the learned Presenting Officer for the Respondents.

CORAM : Shri A.P. Kurhekar, Member(J)

DATE : 03.01.2019.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
2. In the present O.A. directions are sought to release pay and allowance in terms of Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, in view of the medical certificate granted by the medical board declaring the applicant permanently incapacitated for service in the department.
3. Today the learned P.O. Smt. Archana B.K., for the Respondents has tendered letter issued by the District Officer, Public Health Department, Mantralaya dated 06.12.2018, wherein it is stated that the proposal is forwarded to the Hon'ble Minister for grant of invalid pension from Rule 68 to 80 to Maharashtra Civil Services (Pension) Rules, 1982 and the appropriate orders will be issued soon.
4. However, the learned Advocate Shri A.V. Bandiwadekar for the applicant pointed out that the proposed invalid pension in terms of letter dated 06.12.2018 produced today is in correct and it is not in consonance with Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, He refers to judgment of Hon'ble Supreme Court in case of Kunal Singh Versus Union of India and Another, (2003) 4 Supreme Court Cases 524, Civil Appeal No.1789 of 2000 decided on February 13, 2003.

5. In view of this judgment learned Advocate submitted that Respondent ought to have granted pay and allowance fully in terms of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, till his retirement. The ratio of the judgment in Kunal Singh's case (supra) is that the protection of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is mandatorily available to an employee if disability occurred during service and it cannot be denied on the grant that he had been granted invalid pension under service rules.

6. In view of the above, it would be appropriate to direct the learned P.O. to bring this aspect to the notice of the Department and take necessary steps so that Applicants grievance can be redressed without wasting time. I must make it clear that I am not making any comment on merit, but this aspect is highlighted in view of the judgment produced by learned Advocate Shri A.V. Bandiwadekar. Respondents are expected to take necessary decision in this behalf.

7. In view of the above two week's time is granted to learned P.O. to take instructions and also to file reply, if department wants to contest the claim on merit.

8. S.O. to 17.01.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 03.01.2019</p> <p>O.A.No.1068 of 2018</p> <p>S.P. Shinde .....Applicant Versus The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri D.B. Khaire, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>2. In the present matter challenge is to Suspension order dated 20.07.2017 passed by the Chief Executive Officer, Maharashtra Maritime Board.</p> <p>3. Learned P.O. Shri A.J. Chougule raised a plea of jurisdiction of this Tribunal to entertain matter on the ground that the applicant cannot be said to be State Government Employee. In this behalf he placed reliance on the judgment passed by this Tribunal in O.A.No.474 of 2006 dated on 18.01.2007.</p> <p>4. Whereas learned Advocate Shri D.B. Khaire seeks time to examine the legal position and to make statement on point of jurisdiction on the next date.</p> <p>5. At the request of learned Advocate Shri D.B. Khaire adjourned to 10.01.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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Appearance, Tribunal's orders or  
directions and Registrar's orders

**Tribunal's orders**

**O.A.1050/2018**

**Shri S.B. Ladi ... Applicant**

**Vs.**

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

1. Heard Shri M.B. Kadam, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents.

2. The learned Advocate for the Applicant requested to take Affidavit of service on record, as the same is not filed within time. Allowed to file the Affidavit of service on record.

3. On the request of learned P.O, the matter is adjourned for filing reply.

4. S.O. to 31<sup>st</sup> January, 2019.

Sd/-

(A.P. Kurhekar)  
Member-J  
03.01.2019

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b>Date : 03.01.2019</b></p> <p><b>O.A.No.975 of 2018</b></p> <p><b>B.S. Lambhate</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer holding for Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. Shri A.J. Chougule has filed affidavit-in-reply on behalf of Respondent No.1. He made a statement that reply filed today on behalf of Respondent No.1 is sufficient and be treated as reply on behalf of Respondent No.2 to 4 also.</p> <p>3. Learned Advocate Shri A.V. Bandiwadekar for the Applicant seeks two week's time to file rejoinder.</p> <p>4. S.O. to 17.01.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk.</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

MA/R.A./C.A. No. \_\_\_\_\_ of 20 \_\_\_\_\_

IN

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Ceram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>O.A.1009/2017</u>
	<p><b>Shri C.D. Shahane</b> ... Applicant  <b>Vs.</b>  <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A, the Applicant has sought to consider his request for transfer from Kalyan District Prison, South Region to Western Region, Pune. <i>Direction</i></p> <p>3. Whereas, today, the learned P.O. has tendered order dated 29.11.2018 whereby the request of the Applicant has been accepted and transfer order has been issued.</p> <p>4. In view of above, the grievance of the Applicant stands redressed.</p> <p>5. However, the learned Advocate for the Applicant has submitted that the Applicant is not yet relieved though the order has been issued long back, and therefore, direction be given to relieve the Applicant within seven days, so that he can join his new place of posting. Her submission is quite reasonable and acceptable.</p> <p>6. As the grievance of the Applicant stands redressed, the O.A. stands disposed of with direction to the Respondents to communicate the order dated 29.11.2018 to the Applicant and also to relieve him from the present post within seven days, so that he can join his new place of posting in view of transfer order dated 29.11.2018. No order as to costs.</p> <p style="text-align: right;">Sd/-                      (A.P. Kurhekar)                      Member-J                      03.01.2019</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

MAA/RA/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><b><u>O.A.1011/2017</u></b></p> <p><b>1) Mr. L.P. Patil &amp; 2) Shri B.A. Khatik</b> ... Applicants  <b>Vs.</b>  <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A, the Applicants have sought direction to consider their request for transfer from Yerwada Jail, Western Division to Nashik Jail, Central Division.</p> <p>3. Today, the learned P.O. has tendered order dated 29.11.2018 to show that the request of Applicant No.1 – Mr. L.P. Patil for his transfer to Central Division has been accepted and his grievance stands redressed.</p> <p>4. The present application has been filed by two Applicants viz. Shri L.P. Patil and Shri B.A. khatik. In so far as Applicant No.1 - Shri L.P. Patil is concerned, his grievance stands redressed. Hence, his name be deleted from Title Clause.</p> <p>5. As regard, Applicant No.2 – Shri B.A. Khatik, this O.A. needs to continue, as his request for transfer out of Region is rejected by the Department.</p> <p>6. On the request of learned P.O, short time is granted for filing additional reply.</p> <p>7. S.O. to 15<sup>th</sup> January, 2019. Hamdast.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.01.2019</p>



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><b><u>O.A.923/2017</u></b></p> <p><b>Shri R.Z. Jople</b> ... Applicant <b>Vs.</b> <b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A, the Applicant has sought to consider his request for transfer from Yerwada Jail, Western Division to Nashik Jail, Central Division. <i>Discretion</i></p> <p>3. Whereas, today, the learned P.O. has tendered order dated 29.11.2018 whereby the request of the Applicant has been accepted and transfer order has been issued.</p> <p>4. In view of above, the grievance of the Applicant stands redressed.</p> <p>5. However, the learned Advocate for the Applicant has submitted that the Applicant is not yet relieved though the order has been issued long back, and therefore, direction be given to relieve the Applicant within seven days, so that he can join his new place of posting. Her submission is quite reasonable and acceptable.</p> <p>6. As the grievance of the Applicant stands redressed, the O.A. stands disposed of with direction to the Respondents to communicate the order dated 29.11.2018 to the Applicant and also to relieve him from the present post within seven days, so that he can join his new place of posting in view of transfer order dated 29.11.2018. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 03.01.2019</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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**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.743 of 2018

R.D. Thakur ..Applicant  
Vs.  
The State of Maharashtra, & Ors. ..Respondents

Applicant and Advocate for the Applicant are absent.  
Heard Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Id. CPO seeks two weeks time to file reply.
- 3. S.O. to 17.1.2019.

Sd/-

(P.N. Dixit)  
Member (A)  
3.1.2019

(sgj)

DATE: 3/1/2019

CORAM:

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

Hon'ble Shri P. N. Dixit Member (A)

ADVOCATE:

Shri. A.P. & Adv. for the

App. are absent.

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

C. P.O. for the Respondent/s

Adj./ S.O. to 17/1/2019

*J.L.*

**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
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O.A. No.645 of 2018

P.S. Kadam ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO seeks two weeks time to file reply.

3. S.O. to 16.1.2019.

Sd/-

(P.N. Dixit)

Member (A)

3.1.2019

(sgl)

DATE: 3/1/2019

CORAM:

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

Hon'ble Shri P. N. Dixit Member (A)

APPEARANCE:

Shr/Smt. G.A. Bandiwadekar

Advocate for the Applicant

Shr/Smt. S.P. Manchekar

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

Adj./ S.O. to 16.1.19

*YH*

# 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: <u>3/1/2019</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A)</p> <p>APPEARANCE: Shri <u>K.R. Jagdale</u></p> <p>As _____ the Applicant</p> <p>Shri Smt. <u>S.P. Manchekar</u> C.F./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>1/1/19</u></p> <p style="text-align: right;"><i>Y.T.</i></p>	<p style="text-align: center;"><u>O.A. No.272 of 2018</u></p> <p>S.S. Barapatre ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO mentions that un-affirmed copy of reply will be made available to the applicant shortly. She proposes to file reply within a week.</p> <p>3. S.O. to 10.1.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 3.1.2019</p> <p>(sgj)</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>DATE: <u>31/1/19</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A)</p> <p>APPEARANCE: Shri/Smt. <u>R. M. Kolge</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt. <u>S. P. Manchekar</u> C.F. S/P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>Admit</u></p> <p align="right"><i>P.N. Dixit</i></p>	<p align="center"><u>O.A. No. 795 of 2017</u></p> <p>S.P. Jagtap ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO mentions that reply has been filed on behalf of the respondents.</p> <p>3. Admit. To come up for final hearing in due course with liberty to file rejoinder, if any.</p> <p align="right">Sd/- (P.N. Dixit) Member (A) 3.1.2019</p> <p align="left">(sgl)</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>DATE: <u>3/1/19</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri R. N. Dixit Member (A)</p> <p>APPEARANCE: Shri/Smt. <u>Appl. &amp; Adv. for the Appls.</u> <u>are absent</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>S.P. Manchekar</u> C.P./P.O. for the Respondent/s</p> <p>Adj./ S.O. to <u>12/1/2019</u></p> <p align="right"><i>ME</i></p>	<p align="center"><u>O.A. No.333 of 2017</u></p> <p>Col. P.N. Dhole &amp; Ors. ..Applicants Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Applicants and Advocate for the Applicants are absent. Heard Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO seeks two weeks time to file reply.</p> <p>3. S.O. to 17.1.2019.</p> <p align="right">Sd/- (P.N. Dixit) Member (A) 3.1.2019</p> <p>(sg)</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
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O.A. No.911 of 2018

S.D. Pol ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri R.M. Kolge, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO seeks two weeks time to file reply.

3. S.O. to 17.1.2019.

Sd/-

(P.N. Dixit)  
Member (A)  
3.1.2019

(sgj)

DATE: 3/1/2018

CORAM:

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

Hon'ble Shri P. N. Dixit Member (A)

ADVOCATE FOR THE APPLICANT

R.M. Kolge

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Adj. S.O. to 17/1/2019

*Y.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><b>DATE:</b> <u>3/1/2019</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A)</p> <p><b>APPEARANCE:</b> Shri <u>G.A. Bandiwadkar</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt. <u>S.P. Manchekar</u> C.F./C.P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>17/1/2019</u></p> <p style="text-align: right;"><i>File</i></p>	<p style="text-align: center;"><u>O.A. No.773 of 2018</u></p> <p>J.A. Surti ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadkar, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Id. CPO seeks two weeks time to file reply.</p> <p>3. S.O. to 17.1.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 3.1.2019</p> <p>(sgj)</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 style="text-align: center;"><u>O.A. No.858 of 2018</u></p> <p>G.H. Shelke ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO files reply on behalf of the respondent and the same is taken on record.</p> <p>3. Admit. To come up for final hearing in due course with liberty to file rejoinder, if any.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 3.1.2019</p> <p>(sgj)</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
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O.A. No.772 of 2018

T.J. Padvi ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Ld. CPO seeks two weeks time to file reply.
- 3. S.O. to 17.1.2019.

Sd/-

(P.N. Dixit)  
Member (A)  
3.1.2019

(sgj)

DATE: 3/1/2018

CORAM:

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

Hon'ble Shri F. N. Dixit Member (A)

ATTORNEYS:

Shri G.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Adj./ S.O. to 17/1/2019

*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
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O.A. No.744 of 2018

A.S. Karkar ..Applicant  
Vs.  
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

- 2. Id. CPO seeks two weeks time to file reply.
- 3. S.O. to 17.1.2019 by way of last chance.

Sd/-

(P.N. Dixit)  
Member (A)  
3.1.2019

(sgj)

3/1/19

~~Hon'ble Mr. A. N. Jaiswal (Chairman)~~  
 Hon'ble Mr. P. N. Dixit Member (A)

**APPEARANCE:**  
 Shri/Spt. K.R. Jagdale  
 Advocate for the Applicant

S.P. Manchekar  
 CPO for the Respondent/s

Ad. S.O. to 17.1.2019

*Handwritten initials*

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

**03.01.2019****C.A 41/2018 in O.A No 694/2018**

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

1. Heard Shri D.B Khaire, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. Contempt Application is withdrawn because it is filed without giving 30 days' notice to Contemnor with liberty to file fresh C.A, if occasion arises.

DATE: 3-1-19

CORAM:

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

Hon'ble Shri D. B. Khairnar (Member) A

APPEARANCE:

Shri/Smt. D. B. Khaire

Advocate for the Applicant

Shri/Smt. S. P. Manchekar

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

Order passed in tribunal

Adj. To

column

C.A. is withdrawn

Siddhant

Sd/-

(A.H Joshi, J.)  
Chairman

Akn

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1101 OF 2018

R.N. Deshpande

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

Shri S.D. Dole, the learned Presenting Officer for the Respondents.

CORAM : Shri A.P. Kurhekar, Member(J)

DATE : 03.01.2019.

ORDER

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents.
2. This matter is taken on today's board in view of the circulation granted to the learned Advocate Smt. Punam Mahajan for the Applicant. Learned Advocate Smt. Punam Mahajan seeks leave to add one more Respondent namely Additional Director General of Police and Director General of Police (Wireless) as Respondent No.4 on the ground that the impugned order has been passed by him.
3. On perusal of impugned order at exhibit 36 it also reveals that the impugned order has been passed by the proposed Respondent No.4.
4. In view of the above, allowed to implead the said authority as Respondent No.4. Amendment be carried out immediately.
5. Notice be issued to Respondent No.4 returnable on 29.01.2019.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. 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.

8. 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.

9. 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.

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

11. S.O. to 29.01.2019.

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

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.7 OF 2019

S.A. Rathod

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

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

Smt. Archana B.K., the learned Presenting Officer for the Respondents.

DRAM : Shri A.P. Kurhekar, Member(J)

DATE : 03.01.2019.

**ORDER**

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
2. Learned Advocate Shri A.V. Bandiwadekar for the Applicant submitted that though the Applicant stands retired on 28.02.2018, till date no pensionary benefits are released as per the entitlement, he therefore, prayed for interim relief for releasing the provisional pension, G.I.S, Leave encashment and Travelling allowance.
3. Whereas learned Presenting Officer Smt. Archana B.K. for the Respondents submitted that the matter is under process for grant of pensionary benefits and other retirement dues, except regular pension and gratuity in view of the departmental proceedings against him.
4. In so far as provisional pension, G.I.S., leave encashment are concerned those benefits cannot be withheld and needs to be released as soon as the applicant retires. Learned P.O. for the Respondents is directed to take instructions in this behalf and make statement in this respect on next date.
5. Issue notice before admission returnable on 17.01.2019.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. 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.

8. 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.

9. 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.

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

11. S.O. to 17.01.2019.

॥ ११/११/११  
Sd/-

(A.P. Kurhekar)  
Member(J)

prk



Date : 03.01.2019

Tribunal's orders

O.A.No.4 of 2019

G.B. Gawale ....Applicant.

Versus

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

1. Heard Shri L.S. Deshmukh, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 17.01.2019.

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 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 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. Issue of interim relief is kept open.

9. S.O. to 17.01.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

O.A.No.1116 of 2018

S.S. Dudhbhate .....Applicant.  
Versus  
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri S.G. Shinde, the learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 31.01.2019.

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 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 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. Issue of interim relief is kept open.

9. S.O. to 31.01.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

Date: 03.01.2019

O.A.NO.955 OF 2018

R.D. Gavit

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri A.V. Bandiwadkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. In the present O.A. challenge is to the impugned order dated 09.05.2008, whereby the Applicant has been kept under suspension.

3. After the filing in this O.A. it seems that the Respondents have woke up <sup>and</sup> placed the matter before the Review Committee, wherein it was decided to revoke the suspension and to reinstate the applicant for non executive post.

4. Today learned P.O. Shri A.J. Chougule for the Respondents has produced letter dated 07.12.2018 issued by the Divisional Commissioner, Konkan Vibhag which shows that the applicant has been reinstated and reposted <sup>in</sup> non-executive post in the office of S.D.O. Ulhasnagar, District Thane. In view of letter dated 07.12.2018 produced today the issue of reinstatement is over. However, the material issued for prolong suspension of 10 years and the benefit of service in terms of pay and salary remains to be decided on merit.

5. Leaned P.O. Shri A.J. Chougule seeks two week's time ~~for grant~~ to file affidavit-in-reply on merit.

6. Enough time is granted till date, however, two week's time is granted as last chance for filing affidavit-in-reply.

7. S.O. to 17.01.2018.

Sd/-

(A.P. Kurhekar)  
Member(J)

prk

V.A. Koli .....Applicant.  
Versus  
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 31.01.2019.

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 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 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 31.01.2019.

Sd/-  
✓  
(A.P. Kurhekar)  
Member(J)

IN

**FARAD CONTINUATION SHEET NO.**

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

Tribunal's orders

Date : 03.01.2019

O.A.No.1010 of 2017

D.N. Salunkhe . ....Applicant

Versus

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

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Today learned P.O. Shri A.J. Chougule has filed affidavit-in-reply on behalf of Respondent No.4 and made a statement that it may be treated as reply on behalf of Respondent No.1 to 3 also.

3. At the request of learned Advocate Smt. Punam Mahajan for the Applicant, the matter is adjourned for filing rejoinder.

4. S.O. to 29.01.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

prk