

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.1229 of 2019

M. R. Mujeed

)..... **Applicant**

Versus

State of Maharashtra & Ors.

)...**Respondents**

Smt. Punam Mahajan, Counsel for the Applicant
Shri A. J. Chougule, Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 03.01.2020

ORDER

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Present O.A. is filed for release of retiral benefits which seems to have been withheld on account of punishment of D.E. The Applicant has taken voluntary retirement w.e.f.28.02.2013. However, the retiral benefits were withheld because of initiation of D.E. in 2006. Even after taking voluntary retirement, the Applicant has submitted various representations requesting the Respondents to complete the D.E. and to release his retiral benefits in accordance to law but in vain. Indeed, D.E. was required to be completed within one year from the date of its initiation in view of various Circulars and Government Resolutions issued by the Government from time to time but all those instructions were completely ignored. It is on this background, the Applicant has been constrained to file this O.A. for direction to release retiral benefits.
3. This matter was taken up for admission yesterday but on request of learned P.O. it was adjourned for today to take instructions from the department as to know the status of D.E.
4. Today, learned Counsel for the Applicant submits that it is on yesterday evening only, the Respondents have served final order passed in D.E. on 17.07.2019.

M. R. Mujeed

5. As such, it is only after filing of this O.A., the Respondents have served the final order of punishment upon the Applicant yesterday though the order has been passed on 17.07.2019. Whereby, the punishment of reduction of 6% pension for two years has been imposed.

7. Learned Counsel for the Applicant has also tendered the copy of order which shows that the order has been passed by the Government on 17.07.2019.

8. It is really appalling to note that though the punishment order has been passed on 17.07.2019, it has not been served upon the Applicant for last seven months and it is only after filing of O.A. the Respondents woke up and served the order on the Applicant yesterday evening. As such, negligence and laxity on the part of concerned to serve the order on the Applicant immediately after passing of the order is obvious which call for suitable action. The Applicant has been deprived of retiral benefits, gratuity for seven months.

9. As the final order in D.E. is passed on 17.07.2019, the Respondents ought to have released remaining retiral benefits etc. immediately after passing of final order but still those are not paid. The Respondents, therefore, definitely liable to pay interest to the Applicant for the same.

10. The Principal Secretary, Social Justice and Special Assistance Dept, Mantralaya, Mumbai is, therefore, directed to file Affidavit explaining as to why D.E. has taken the period of 13 years for its completion and as to why the final order passed in D.E. in 17.07.2019 was not served upon the Applicant immediately after passing the order and to explain the delay of seven months for not serving the order dated 17.07.2019 upon the Applicant.

11. Affidavit should be filed within a week.
12. Apart now, in view of completion of D.E., the Respondents are directed to release remaining retiral benefits to the Applicant in terms of order passed in D.E. within a week.
13. Issue notice before admission returnable on 10.01.2020.
14. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
15. 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.
16. 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.
17. 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.
18. 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.
19. S.O. to 10.01.2020.

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 : 03.01.2020</p> <p>O.A.No.1045 of 2019</p> <p>D. A. ParmarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Sameer Adhangale holding for Shri S. K. Zende, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. In present O.A., Applicant has challenged the suspension order dated 05.05.2014 whereby he was kept under suspension invoking the Rule 4(1)(c) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. 3. It is really surprising that though the period of five years is over, the Applicant is still under suspension without taking any steps for review of the suspension and reinstatement in service. 4. In view of above, Respondent is directed to file short Affidavit as to why the Applicant is subjected to prolong suspension and why no further steps were taken to review the suspension. 5. Issue notice before admission returnable on 10.01.2020. 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. 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 10.01.2020. <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
	<p>Date : 03.01.2020</p> <p style="text-align: center;">O. A. No.05 of 2020</p> <p>D. R. WadkuteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 16.01.2020. 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 16.01.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 03.01.2020</p> <p>M. A. No.699 of 2019 with M.A. No.698 of 2019 in O.A.No.905 of 2017</p> <p>Dr. D. SimonApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri S. D. Dole holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submitted that she has instructions from the Applicant to withdraw M.A.No.699/2019 and requested for permission to withdraw the M.A.</p> <p>3. Permission granted to withdraw the M.A.No.699/2019.</p> <p>4. Accordingly, M.A.No.699/2019 is disposed of with no order as to cost.</p> <p>5. Two weeks time is granted for filing reply in M.A.No.698/2019 which is for condonation of delay.</p> <p>6. S.O. to 16.01.2020.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 03.01.2020</p> <p>O.A.No.213 of 2017</p> <p>A. S. GitayApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, learned Counsel for the Applicant has filed Rejoinder to the Affidavit filed by Respondent No.2 on last date. It is taken on record.</p> <p>3. S.O. to 16.01.2020.</p> <p style="text-align: right;">^ Sd/- w (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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 align="center"><u>O.A. No.812 of 2019</u></p> <p>V.A. Chormale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant proposes to file MA for interim relief and seeks permission for the same.</p> <p>3. Permission granted.</p> <p>4. S.O. to 6.1.2020.</p> <p align="center">Sd/- _____ Sd/- _____</p> <p align="center">(A.P. Kurhekar) (P.N. Dixit) Member (J) Vice-Chairman (A) 3.1.2020 3.1.2020</p> <p>(sgj)</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>O.A. No.50 of 2019</u></p> <p>V.T. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.D. Sugdare, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today during final hearing, Ld. Advocate for the applicant tenders document dated 1.11.2006 when applicant had applied to the department in which he was serving as temporary employee for permission for appearing in the examination. The same is taken on record and marked 'X' for identification. It bears acknowledgment from Clerk in the District Hospital, Parbhani. However, there is no date on the same.</p> <p>3. Ld. PO mentions that the same has not been enclosed in the OA and therefore she seeks adjournment for producing the original document to indicate whether permission was granted or otherwise.</p> <p>4. Ld. Advocate for the applicant further submits that he had prayed in para 9(c) that applicant is entitled to have benefits of GR dated 4.4.1983 for counting the past service from his initial appointment for pension and pensionary benefits. He further submits that no reply has been filed regarding the same and the affidavit is silent about it.</p> <p>5. Ld. PO seeks adjournment for submitting short affidavit regarding prayer at para 9(c) of the OA.</p> <p>6. By consent adjourned to 20.1.2020.</p> <p style="text-align: right;">Sd/- (P.N! Dixit) Vice-Chairman (A) 3.1.2020</p> <p>(sgj)</p>

**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>03.01.2020</u></p> <p><u>M.A 668/2019 in O.A 293/2018 with M.A 669/2019 in O.A 294/2018</u></p> <p>U.S Gawandi J.S Kahieagar ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Punam Mahajan, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents,</p> <p>2. At the request of learned advocate for the applicant, adjourned to 6.2.2020.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(B.P Patil) Acting-Chairman</p> <p>Akn</p>