

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION 165 OF 2017**

DISTRICT : THANE

Shri S.B Patil

)...**Applicant**

Versus

The State of Maharashtra & Ors

)...**Respondents**

Smt. Punam Mahajan, learned advocate for the Applicant.

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

CORAM : Justice Shri A.H Joshi (Chairman)

Shri Rajiv Agarwal (Vice-Chairman)

DATE : 03.04.2017

PER : Justice Shri A.H Joshi (Chairman)

ORDER

1. Heard Smt. Punam Mahajan, learned advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned Presenting Officer states as follows:-

(i) Communication is received from the office of Respondent no.4 requesting for four weeks' time.

3. It is seen that this Tribunal had passed order on 15.3.2017. In this order this Tribunal had recorded in Para 2 thereof that circumstances in which though according to the Applicant his



candidature was cleared for promotion in the D.P.C held on 8.10.2014, but the Government did not issue orders promoting the Applicant, be explained.

4. It is seen that the post, which the Applicant is claiming is that of Deputy Superintendent of Jail, for which competent authority is the State Government and not the respondent no.4.

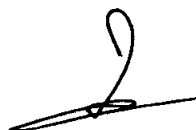
5. In this background, the request of Respondent no.4 seeking time to file affidavit in reply is an exercise in futility. In fact the reasons called for by this Tribunal through the order dated 15.3.2017 ought to come from Respondent nos.1 to 3 and that too based on record.

6. Learned Presenting Officer was called to state as to who is the particular officer who holds the charge relating to the affairs subject matter. Learned Presenting Officer states that Respondent no.3 is the concerned officer. Learned P.O was called to furnish the name of Respondent no.3. Learned Presenting Officer has furnished the name as follows:-

Shri Shri Kant Singh, Principal Secretary, Home Department, Mantralaya, Mumbai.

7. This Tribunal has to take very serious view of the matter that though according to the office report service of notice was done by hand delivery on 17.3.2017 and 18.3.2017, minimum action i.e. giving response by sending communication to learned Presenting Officer too is not taken by the Respondent No.3.

8. This being matter which is to be dealt with at Government level, asking for time by Respondent no.4, cannot be presumed as



done for the Government. Moreover, for the decision to be taken by the Government, an officer at subordinate level cannot be asked to reply or comply, unless basic power to take decision itself is delegated, or affidavit is to be affirmed barely on record.


9. Failure on the part of Respondent no.3 to advert to the case is considered to be grossly inappropriate.

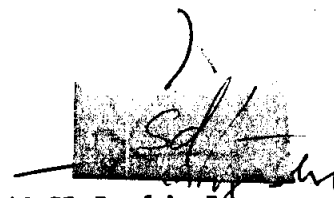
10. The aforesaid Officer Shri Shrikant Singh, Principal Secretary, Home Department, is therefore, called as to why he should not be personally saddled with cost of Rs.10,000/- towards his failure to respond to the notice of this Tribunal, for failure to contact the learned Presenting Officer and towards his failure to answer necessary questions put by the Tribunal, unless satisfactory reply based on plausible factual facts and reasons is filed.

11. Affidavit in reply answering question/show cause notice referred to above be filed on or before 25.4.2017.

12. Learned Presenting is directed to communicate this order.

13. Hamdast and steno copy allowed.


(Rajiv Agarwal)
Vice-Chairman


(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 03.04.2017

Dictation taken by : A.K. Nair.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.805, 806 & 807 of 2016

Smt. Rekha Vijay Dubey & 2 others)..... Applicants

Versus

The State of Maharashtra & Others).....Respondents

Shri K.R. Jagdale, Advocate for Applicants.

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

CORAM : SHRI R.B. MALIK (MEMBER-JUDICIAL)

DATE : 03.04.2017


ORDER

1. The learned P.O. is being instructed by Mrs. Varsha Thamake, Under Secretary and Shri Surendra Chamkar, Under Secretary.

2. These Original Applications were heard partly by the Hon'ble Vice-Chairman before it was assigned to me. In so far as the actual recovery is concerned even the learned P.O. cannot dispute that the Applicants being Group 'C' employees would be eligible to the benediction of the Rule of **State of Punjab & Others V/s. Rafiq Masih (White Washer) etc., Civil Appeal No. 11527/2014 (A.O. SLP (C) No.11684 of 2012), Dated 18.12.2014** and earlier judgment rendered by me in **O.A. No.342/2016 (Prakash Hotkar V/s. Principal, ITI and 4 Others), dated 09.03.2017** and yet another judgment also rendered by me on **R.A.No.17/2015 in O.A. No.603/2013 (Smt. Shanta V. Kharat V/s. Secretary Social Welfare Department and 6 others), dated 29.02.2016.**

3. The recovery from the Applicants will not be possible, however, the matter does not rest there itself in the manner of speaking the issue of a proper fixation which will also affect the pension is also involved herein. The order made by the Hon'ble Vice-Chairman on 30.01.2017 is cleared to the effect that this Tribunal was of the view that the stand of the Respondents here was contrary to the stand taken in **O.A.202/2015 and one another OA (Rayindra B. Ahire & Ors V/s. The State of Maharashtra and 2 others), dated 19.01.2017.**

4. The learned P.O. points out that in the affidavit filed subsequently which is at page 135 onwards, the explanation has been set out. It is now, therefore, made clear that it is beyond pale of any doubt that actual recovery cannot be made from the Applicants and in fact the scope of these Original Applications get narrowed down to whether the present Applicants are at par with the Applicants in O.A. No.202/2015 or not. For this limited aspect of the matter, this Part-Heard O.A. is adjourned to 06.04.2017.


 (R.B. Malik)
 Member (J) 03.04.17
 03.04.2017

Diction taken by :-vsm

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**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>3/4/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri <u>Rajiv Agarwal</u> (Member) Hon'ble Shri <u>M. Ramoshankar</u> (Member)</p> <p>APPEARANCE: Shri/Smt. : <u>none for appl.</u> Advocate for the Applicant Shri/Smt. : <u>Archana B.K.</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. <u>7/4/2017</u></p> <p><i>B.P.E.</i></p>	<p>Date : 03.04.2017.</p> <p>M.A.No.165 of 2016 O.A.No.322 of 2016</p> <p>N.S. NavganApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Archana B.K., the learned Presenting Officer for the Respondents.</p> <p>2. This case was called in the morning session. None appeared for the Applicant. None appeared even in the afternoon session.</p> <p>3. Adjourned to 07.04.2017.</p> <p>Sd/- Sd/- (Rajiv Agarwal) (A.H. Joshi) Vice-Chairman Chairman</p> <p>prk</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>3/4/17</u></p> <p>CORAM: Hon'ble Justice <u>Shri. A. H. Joshi</u> (Chairman) Hon'ble Justice <u>Rajiv Agarwal</u> (Vice-Chairman) Hon'ble Justice <u>Prakash Kumar</u> (Member) A</p> <p>APPEARANCE: Shri. <u>B.A. Bandiwadker</u> Advocate for the Applicant <u>Archana B.K.</u> Advocate for the Respondent/s</p> <p>Ad. To: <u>18/4/2017</u></p> <p><i>prk</i></p>	<p>Date : 03.04.2017.</p> <p>O.A.No.35 of 2017</p> <p>S.A. AdakeApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadkar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.</p> <p>2. Shri B.A. Bandiwadkar, the learned Advocate for the Applicant prays for one week's time to prepare and address the court.</p> <p>3. Time as prayed for is granted.</p> <p>4. S.O. to 18.04.2017.</p> <p>Sd/- <i>[Signature]</i> Sd/- <i>[Signature]</i></p> <p>(Rajiv Agarwal) (A.H. Joshi J.) Vice-Chairman Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p>DATE: <u>3/4/17</u></p> <p>CORAM: Hon'ble Justice <u>Shri A. H. Joshi (Chairman)</u> Hon'ble <u>Shri M. Rameshkumar (Member)</u></p> <p>APPEARANCE: Shri <u>B.A. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>7/7/2017</u></p> <p style="text-align: right;"><i>prk</i></p>	<p>Date : 03.04.2017.</p> <p>O.A.No.323 of 2014</p> <p>Maharashtra Govt. Polytechnic Teachers Welfare AssociationApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors,Respondents.</p> <p>1. Heard Shri B.A. Bandiwadkar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. Shri B.A. Bandiwadkar, the learned Advocate for the Applicant states that he wants time to amend the O.A..</p> <p>3. Adjourned to 07.07.2017.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Rajiv Agarwal) (A.H. Joshi J.)</p> <p style="text-align: center;">Vice-Chairman Chairman</p> <p style="text-align: center;">prk <i>prk</i></p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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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: 3/4/17</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rajiv Agarwal (Member) A</p> <p>APPEARANCE: Shri/Smt: B.A. Bandiwadkar Advocate for the Applicant Shri/Smt: A.J. Chougule C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: 3/7/2017.</p> <p>prk</p>	<p>Date : 03.04.2017.</p> <p>O.A.No.848 of 2012</p> <p>B.P. NikharApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>2. Shri B.A. Bandiwadkar, the learned Advocate for the Applicant prays for time to study and address the court.</p> <p>3. Time as prayed for is granted.</p> <p>4. S.O. to 03.07.2017.</p> <p>Sd/- Sd/- (Rajiv Agarwal) (A.H. Joshi J.) Vice-Chairman Chairman</p> <p>prk</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.

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<p>DATE: 3/4/2017</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Shri R. Jiv Agarwal (Member) Shri V. Rameshkumar (Member)</p> <p>ADVOCATE: Shri M.D. Lonkar</p> <p>Advocate for the Applicant Shri S. Suryawanshi</p> <p>C.P.O. for the Respondent/s</p> <p>Adj. To. 18/4/2017.</p> <p>BTE</p>	<p>Date : 03.04.2017.</p> <p>O.A.No.90 of 2017</p> <p>D.R. HindlekarApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>2. At the request of Shri M.D. Lonkar, the learned Advocate for the Applicant, adjourned to 18.04.2017.</p> <p>Sd/- Sd/- (Rajiv Agarwal) (A.H. Joshi) Vice-Chairman Chairman</p> <p>prk</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.

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<p>DATE: <u>3/4/2017</u></p> <p>CORAM:</p> <p>Hon'ble Justice <u>Shri. A. H. Joshi (Chairman)</u></p> <p>Hon'ble Justice <u>Rajiv Agarwal (Member)</u></p> <p>Hon'ble Justice <u>Rameshkumar (Member)</u></p> <p>Advocate for the Applicant: <u>K.R. Jagdale</u></p> <p>Advocate for the Respondent/s: <u>K.B. Bhise</u></p> <p>C.P. No. for the Respondent/s: _____</p> <p>Adj. To: <u>10/4/2017</u></p> <p><i>B/E</i></p>	<p>Date : 03.04.2017.</p> <p>O.A.No.135 of 2016</p> <p>Dr. Galkwad S.S. & Ors.Applicants.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Similar matters are already listed on Final Hearing board and are expected to come up on 10.04.2017.</p> <p>3. Hence, adjourned to 10.04.2017.</p> <p>Sd/- (A.H. Joshi J.) Chairman</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>prk</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>DATE: 2/4/2017</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramoshikumar (Member) A <i>Rajiv Agarwal (Vik)</i></p> <p>APPEARANCE: Shri/Smt: <u>K.R. Jagdale</u> Advocate for the Applicant Shri/Smt: <u>K.B. Bhise</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: 10/4/2018</p> <p><i>prk</i></p>	<p>Date : 03.04.2017.</p> <p>O.A.No.272 of 2016</p> <p>S.H. DesaiApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant, Shri K.B. Bhise, the learned Presenting Officer for the Respondents No.1 to 3 and Shri R.M. Kolge, the learned Advocate for the Respondent No.4.</p> <p>2. Pleadings are complete. Admit. To come up for hearing in due course.</p> <p>3. If it is not circulated for hearing, it shall come up for hearing on 10.04.2018.</p> <p>Sd/- Sd/-</p> <p>(Rajiv Agarwal) (A.H. Joshi J.) Vice-Chairman Chairman</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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03.04.2017

C.A 25/2017 in O.A No 283/2014

Shri P.B Kadam & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the Applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.
2. Law Officer Shri Upasni, from the office of the Director General of Police is present and he states as follows:-

That matter involves numerous issue and complicated facts and question of law, and therefore, he wants minimum 10 days time to study and discuss with the officer and come with suitable response on behalf of the Respondents.

3. In view of the request of the Law Officer, hearing is adjourned to 13.4.2017.
4. Steno copy and Hamdast allowed to learned Presenting Officer.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Sd/-

(A.H Joshi, J.)
Chairman

Akn

DATE: 3/4/2017

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri Rajiv Agarwal (V/C)
Hon'ble Shri M. Ramesh Kumar (Member)

APPEARANCE:

Shri M.D. Lonkar

Advocate for the Applicant

Shri/Smt. : Archana B.K.
C.P.O / P.O. for the Respondent/s

Adj. To: 13/4/17. Steno copy
and Hamdast allowed to
Ld. P.O.

[Signature]

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

Tribunal's orders

Date : 03.04.2017.

O.A.No.846 of 2015

A.A. MagdumApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Smt. Archana B.K., the learned Presenting Officer for the Respondents states as follows :-

The case is being handled by Ms. N.G. Gohad, the learned Presenting Officer, while she is unavailable due to personal difficulty and prays for adjourned to 11.04.2017.

3. Shri Sanjay R. More, Deputy Secretary, Public Health Department, Mantralaya who has filed the recent affidavit should remain present for explanation of the matters expected to be dealt with in the affidavit with reference to this Tribunal's order dated 09.01.2017, which he has failed to advert.

4. S.O. to 11.04.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

Sd/-

(A.H. Joshi J.)
Chairman

DATE: 3/4/17

CORAM:

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

Hon'ble Sri M. Rameshkumar (Member)

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

Adj. To: 11/4/2017.

RTE

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: 3/4/2017</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rajesh Kumar (Member)</p> <p>APPEARANCE: Shri/Smt. B.A. Bandiwadekar Advocate for the Applicant Shri/Smt. K.S. Gaikwad C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. 7/6/2017</p> <p style="text-align: right;">prk</p>	<p>Date : 03.04.2017.</p> <p style="text-align: center;">O.A.No.317 of 2015</p> <p>V.R. ChavanApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. Shri B.A. Bandiwadekar, the learned Advocate for the Applicant states that it is necessary to amend the O.A. to incorporate certain averments and documents supporting the averments.</p> <p>3. Shri B.A. Bandiwadekar, the learned Advocate for the Applicant undertakes to carry out the amendment within one week.</p> <p>4. Leave to amend and add is granted. Amendment including substitution of index and synopsis be carried out within two week's.</p> <p>5. After perusal of amendment the matter as to whether additional affidavit be asked for will be considered.</p> <p>6. Hence, adjourned to 07.06.2017.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Rajiv Agarwal) Vice-Chairman</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(A.H. Joshi J.) Chairman</p> <p style="text-align: center;">prk</p>

(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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03.04.2017

O.A No 275/2017

Mrs Madhu M. Samdade & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

Heard Shri M.D Lonkar, learned advocate for the Applicants and Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents.

Learned C.P.O is directed to furnish list of Original Applications filed by the Applicants who are similarly situated, in order that a comprehensive view of the matter can be taken.

S.O to 6.4.2017.

DATE: 3/4/2017

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)
Rajiv Agarwal (J)
Hon'ble Shri M. Ramashkumar (Member)

APPEARANCE:

Shri/Smt M.D. Lonkar

Advocate for the Applicant

Shri/Smt H.K. Rajpurohit

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

Ag. To 6/4/2017

M.D.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Sd/-

(A.H Joshi, J.)
Chairman

Akn

[PTO]

(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

03.04.2017

M.A 144/2017 in O.A No 275/2017

Mrs Madhu M. Samdade & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the Applicants and Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants' paying requisite court fees, if not already paid.

5. M.A is allowed.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Sd/-

(A.H Joshi, J.)
Chairman

SH

Akn

[P.T.O.]

DATE: 3/4/17

CORAM:

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

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

APPEARANCE:

Shri/Smt: M.D. Lonkar

Advocate for the Applicant

Shri/Smt: N.K. Rajpurohit

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

Adj. To: M.A is allowed.

HT

Date : 03.04.2017

C.A.No.76 of 2016 in O.A.No.242 of 2015

V.D. Kulkarni & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri B.S. Shinde, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states on instructions received from Shri Vishnu Patil, Section Officer as follows:-

- (a) The process of securing of endorsement of G.A.D. for vetting the proposal of the Department for implementations of this Tribunal's order passed in O.A.No.242 of 2015 is received and now the matter will be placed before the Cabinet for its formal approval.
- (b) Proposal would be submitted before the Cabinet within three days.
- (c) Further time may be granted for reporting compliance.

3. The matter cannot be adjourned indefinitely, awaiting for compliance at the choice of Respondents, therefore it would be kept on board on day to day basis.

4. S.O. to 6.04.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Sd/-

(A.H. Joshi/JJ)
Chairman

sba

DATE: 3/4/17

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member)

APPEARANCE:

Shri/Smt.: B.S. Shinde

Advocate for the Applicant

Shri/Smt.: K.S. Gaikwad

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

Adj. To: 6/4/17

12/17
JK

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

Tribunal's orders

O.A. No.278 of 2017

Shri B. N. Mane ... Applicant

V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

Issue notice returnable on 17.04.2017.

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

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 17.04.2017. Learned P.O. do waive service.

Liberty to ask for interim relief is reserved.

Sd/-

(R.B. Malik) 3.4.17
Member (J)
03.04.2017

DATE: 3/4/17

CORAM:

Hon'ble Shri. RAJIV AGARWAL
(Vice Chairman)

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

C.P.O./P.O. for the Respondents

Adj. To

50 to 17/4/17.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>3/4/17</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>A.V. Bandiwadkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>N.K. Rajpurohit</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To: <u>S.O. to 17/4/17</u></p> <p><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.277 of 2017</u></p> <p>Shri M.S. Shete ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri A.V. Bandiwadkar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.</p> <p>Issue notice returnable on 17.04.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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>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.</p> <p>S.O. to 17.04.2017. Learned P.O. do waive service.</p> <p>Liberty to ask for interim relief is reserved.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(R.B. Malik) <u>3-4-17</u> Member (J) 03.04.2017</p> <p style="text-align: center;">(vsm)</p>

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

Tribunal's orders

O.A. No.269 of 2017

Smt. S.B. Dolle ... Applicant

V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents.

Issue notice returnable on 24.04.2017.

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

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 24.04.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 3-4-17
Member (J)
03.04.2017

DATE: 3/4/17

CORAM:

~~Hon'ble Shri. RAHV AGARWAL~~
(Vice-Chairman)

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. Ms. S. Suryawanshi
P.O. for the Respondents

Adj. To S.O. to 24/4/17

**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> 3/4/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri/Smt. R.M. Kolge Advocate for the Applicant Shri/Smt. A.J. Chougule C.P.O./P.O. for the Respondents Rejoinder filed by Applicant.</p> <p>Adj. To O.A. is admitted. S.O. to 24/4/17. (vsm)</p> <p>FH </p>	<p style="text-align: center;"><u>O.A. No.95 of 2017</u></p> <p>Shri A.K. Bagul ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.</p> <p>Shri R.M. Kolge, the learned Advocate undertakes to file rejoinder during the course of the day.</p> <p>Upon this statement, the Original Application is admitted and appointed for final hearing on 24.04.2017.</p> <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">(R.B. Malik) 3-4-17 Member (J) 03.04.2017</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.221 of 2017

Shri S.P. Joseph ... Applicant

V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.

Rejoinder is taken on record. Regard being had to nature of the matter. Hearing of the O.A. is expedited and is appointed for final hearing on 11.04.2017.

The earlier interim order to continue till further orders. Hamdast.

S.O. to 11.04.2017.

Sd/-

(R.B. Malik) 3.4.17
Member (J)
03.04.2017

DATE: 3/4/17

CORAM:

~~Hon'ble Shri. RAHV AGARWAL
(Vice - Chairman)~~

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

APPEARANCE:

~~Shri/Smt. A.V. Bandiwadekar~~

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

~~C.P.O./P.O. for the Respondents~~

Rejoinder Filed by Applicant

~~Adj. To~~

O.A. is expedited.

S.O. to 11/4/17.

FH
[Signature]

(vsm)

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

Tribunal's orders

O.A. No.280 of 2017

Shri V.V. Punathil ... Applicant
V/s.

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

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

By the impugned order recovery from the Applicant is directed to be made. The Applicant is set to retire next month end. It may not be proper for me to make any detailed observations but it would be suffice to mention that there are not only arguable points but points which impel the protection to be given to the Applicant. Sooner the Respondents file their reply better it will be for them. As of today till the date next to filing of the reply. Implementation of the order dated 25.11.2016 stands stayed.

Issue notice returnable on 17.04.2017.

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

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 17.04.2017. Learned P.O. do waive service. Hamdast. Sd/-

(R.B. Malik)
Member (J)
03.04.2017

3.4.17

(vsm)

DATE: 3/4/17

CORAM:

Hon'ble Shri RAJIV AGARWAL
(Vice-Chairman)

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit
C.P.O./P.O. for the Respondents

Adj. To S.O. to 17/4/17

[Signature]

**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> 3/4/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. <u>A.V. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>N.K. Rajpurohti</u> C.P.O./P.O. for the Respondents</p> <p><u>Adj. To:</u> S.O. to 2/5/17. PH</p>	<p align="center"><u>O.A. No.333 of 2017</u></p> <p>Shri M.A.M.U. Qureshi ... Applicant</p> <p align="center">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri A.V. Bandiwadkar, the learned Advocate for the Applicant and Shri N.K. Rajpurohti, the learned P.O. for the Respondents.</p> <p>Perused the two orders dated 01.04.2017, issued by different desks of Home Department, Mantralaya, Mumbai addressed to the office of the learned C.P.O.</p> <p>Taking into consideration all aspects of the matter, this O.A. stands adjourned for a possible disposal on 02.05.2017. All the concerns will make sure that by that date issues are sorted out. Hamdast.</p> <p>S.O. to 02.05.2017.</p> <p align="right">Sd/- (R.B. Malik) 3.4.17 Member (J) 03.04.2017</p> <p>(vsm)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

Original Application No. 56 of 2017

DISTRICT :

Ms. A.S. Chavan

...Applicant

Vs.

The State of Maharashtra & Ors.

...Respondents

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

Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman.
Shri Rajiv Agarwal, Vice-Chairman.

DATE : 03.04.2017

PER : Justice Shri A.H. Joshi, Chairman.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for time on the ground that today para-wise remarks are received and minimum two weeks time may be granted for filing affidavit-in-reply based on the para-wise remarks are already received. This Tribunal desired to be sure that the para-wise remarks are adequate and proper reply may be filed on the adjourned date.

3. Therefore, learned P.O. for the Respondents was called to furnish para-wise remarks for perusal.



4. Learned P.O. for the Respondents has tendered copy of para-wise remarks for perusal.

5. It is seen that para no.6.17 is a crucial contest in the O.A. It reads as follows:-

“6.17 That the Respondent No.1 has totally either mala fide or otherwise ignored and as such brushed aside the provisions of section 47 of the said Act, when admittedly, the Petitioner developed such a permanent disability while in service. That in view of this, the benefits of the said provisions should have been offered to the Petitioner thereby continuing the Petitioner in service either to be posted in some other suitable post with same pay scale or to be kept on supernumerary post until a suitable post becomes available or till the Petitioner attains the age of superannuation. That the law on this point is well settled in Kunal Singh Vs. The Union of Indai.”

(quoted from page no.10 & 11 of the O.A. paper book)

6. In view of the text of the para-wise remarks, learned P.O. for the Respondents states that para no.6.17 is deal with para-wise remarks with following portion:-

“With reference to para no.6.17, I say and submit that, the contents of this Para is not true and correct and it is denied in Toto. The present issue of the Applicant does not come under the persons with disabilities (equal opportunities, protection of rights and full participation) act, 1995.”

(quoted from para-wise remarks tendered by learned P.O.)

7. It is seen that the para-wise remarks are authenticated/singed by Shri S.K. Walavalkar, Dy. Commissioner of Police (HQ), Solapur.

8. Prima-facie, it is seen that the officer who has signed the para-wise remarks has either not read the provision of law and copy of the O.A.No.935 of 2010 which is at page no.35 of the O.A., or has failed to follow those.

9. In the aforesaid background it is necessary that the Commissioner of Police himself shall do the exercise of reading, understanding and file his own affidavit.

10. Learned P.O. for the Respondents was called to furnish the name of the Commissioner of Police, Solapur.

11. Learned P.O. for the Respondents has furnished the name of the Commissioner of Police, Solapur as follows:-

Shri Ravindra Shengaokar, Commissioner of Police, Solapur.

12. Shri Ravindra Shengaokar, Commissioner of Police, Solapur is directed as follows:-

- (a) He shall read the O.A., all annexures, relevant provision of law and copy of the judgment which in to the O.A.
- (b) After reading record, the O.A. and issue involved, if he satisfied that O.A. is not required to be contested, it may not be necessary to contest the O.A. and opts to take corrective measure, he may do it.
- (c) The corrective measure which would be taken be placed on record before this Tribunal on the next date.
- (d) In the event he elects to contest the O.A, he must be file affidavit-in-reply.

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

14. S.O. to 4.05.2017.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Sd/-
(A.H. Joshi, J.)
Chairman

Sba

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

Date : 03.04.2017 Tribunal's orders

O.A.No.1192 of 2016

K.D. Binner & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri G. Sadavarte, the learned Advocate for the Applicants and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states as follows:-

That the O.A. is to be contested and three weeks time may be granted for filing reply.

3. Learned Advocate for the Applicant Shri G. Sadavarte states that subsequent development have necessitated pressing for interim-relief.

4. That subsequent development is as follows:-

Now the Government has come up with e-tendering for supply of services of Drivers through private contractors and by virtue of this development, it is most imminent that Applicant's services would be terminated at any time.

5. Learned P.O. for the Respondents was called to make statement as regards the possibility as to whether Applicants service would be terminated.

6. Learned P.O. for the Respondents has received instructions from Dr. B.C. Kempipatil, Civil Surgeon, Civil Hospital, Thane and states that until next date, no adverse action would be taken against the Applicant.

7. In view of the foregoing, accepting the statement of learned P.O. that the services service of the Applicants would not be terminated till next date, time granted for filing reply.

8. Steno copy and Hamdast is allowed to both the sides.

9. S.O. to 02.05.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Sd/-

(A.H. Joshi, J.)
Chairman

sba

DATE: 3/4/17

CORAM:

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

Hon'ble Shri M. Rajiv Agarwal (Member)

APPEARANCE:

Shri/Smt.: G. Sadavarte

Advocate for the Applicant

Shri /Smt.: Archana B.K.

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

Adj. To: 2/5/17 Steno Copy

& Hamdast is allowed to both the sides.

2/2

**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> 3/4/17</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri (Rajiv Agarwal) (Vice-Chairman)</p> <p><u>APPEARANCE:</u> Shri B.A. Bandiwadkar Advocate for the Applicant Shri K.S. Gaikwad C.P.O./C.O. for the Respondent/s</p> <p>Adj. To: 10/4/2018</p> <p style="text-align: right;"><i>BT</i></p>	<p>Date : 03.04.2017</p> <p>C.A.No.82 of 2015 in O.A.No.10 of 2009 with M.A.No.520 of 2015 in C.A.No.82 of 2015 in O.A.No.10 of 2009</p> <p>A.K. Pusegaonkar & Ors.Applicants Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadkar, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicants Shri B.A. Bandiwadkar states as follows:- In view of the Contempt Application is stayed, let it be adjourned <i>sine-die</i>.</p> <p>3. At the request of the learned Advocate for the Applicant, adjourned to 10.4.2018 with liberty to apply for early hearing if occasion arises.</p> <p style="text-align: center;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p style="text-align: center;">Sd/- (A.H. Joshi, J.) Chairman</p> <p>sb</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

03.04.2017

C.A 52/2015 in O.A No 315/2014

Shri S.E Pawar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

Heard Shri B.A Bandiwadekar, learned
advocate for the Applicants and Smt Kranti S.
Gaikwad, learned Presenting Officer for the
Respondents.

At the request of learned Presenting
Officer, adjourned to 7.4.2017.

DATE: 3/4/17

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member)-A

APPEARANCE:

Shri/Smt B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt K.S. Gaikwad

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

Adj. To 7/4/2017

[Signature]

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

Sd/-

(A.H Joshi) (U.)
Chairman

**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>3/4/17</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri <u>Rajiv Agarwal</u> (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>M.D. Lonkar</u> Advocate for the Applicant Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To. <u>4/5/2017</u></p> <p align="right"><i>HT</i></p>	<p>Date : 03.04.2017</p> <p align="center">O.A.No.1174 of 2016</p> <p>A.R. KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents prays for month's time.</p> <p>3. Time as prayed for is granted.</p> <p>4. S.O. to 04.05.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p align="center">Sd/- (A.H. Joshi, J.) Chairman</p> <p>sba</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>3/4/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rajeswar (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>M. A. Bandiwadker</u> Advocate for the Applicant Shri/Smt. <u>S. Suryawanshi</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To..... <u>27/4/2017</u>.....</p> <p align="right"><i>B.T.</i></p>	<p>Date : 03.04.2017</p> <p align="center">O.A.No.1095 of 2017</p> <p>B.S. Killedar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadkar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents states that instructions are received from the office of Respondent No.2, however, since the policy decision is under challenge, affidavit-in-reply of the Respondent No.1 may be necessary, and the para-wise remarks received from Respondent No.2 may not of much use. Therefore, proper para-wise remarks from the Respondent No.1 have to be called and prays for four weeks time for filing affidavit.</p> <p>3. Time as prayed for is granted by way of last chance.</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 27.04.2017.</p> <p align="center">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p align="center">Sd/- (A.H. Joshi, J) Chairman</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>3/4/2017</u></p> <p>CORAM: Hon'ble Justice <u>Shri A. H. Joshi (Chairman)</u> Hon'ble <u>Shri M. Rameshkumar (Member)</u></p> <p>APPEARANCE: <u>Shri/Smt. K.R. Jagdale</u> Advocate for the Applicant <u>Shri/Smt. K.S. Gaikwad</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>5/5/2017</u></p>	<p>Date : 03.04.2017</p> <p>O.A.No.1006 of 2016</p> <p>S.D. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant Shri K.R. Jagdale prays for leave to amend to substitute the entire paper book of the O.A.</p> <p>3. Leave as prayed for is granted.</p> <p>4. Learned Advocate for the Applicant undertakes to carry out substitution within two weeks.</p> <p>5. S.O. to 5.05.2017.</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Sd/- (A.H. Joshi) Chairman</p> <p>sba</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION 276 OF 2017**

DISTRICT : PUNE

Shri Shyam D. Manjare)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Ms Swati Manchekar, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

**CORAM : Justice Shri A.H Joshi (Chairman)
Shri Rajiv Agarwal (Vice-Chairman)**

DATE : 03.04.2017

PER : Justice Shri A.H Joshi (Chairman)

ORDER

1. Heard Ms Swati Manchekar, learned advocate for the Applicant and Smt Kranti S.Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer states that 30 days time is required for filing reply to the Original Application. Learned Presenting Officer states that this request is based on the



basis of written communication received from the Assistant to the Commandant.

3. Prima facie, when applicant is claiming parity with the decision of this Tribunal, prayer for grant of four weeks time for study and reply, is simply unintelligible. It prima facie appears that the Respondent no. 3 has not exerted even to read and understand the O.A and annexures.

4. Therefore, Learned P.O is called to furnish the name of the Commandant. Learned P.O furnishes the name of the Commandant, Shri S.B Pulari, Commandant, S.R.P.F, Group-I, Pune.

5. Shri S.B Pulari, Commandant, S.R.P.F, Group-I, Pune, is directed to file affidavit on 7.4.2017 on the following points:-

- (i) Whether he has read the Original Application and Annexures thereto.
- (ii) Whether it is necessary on facts that 30 days time is required to understand and take policy decision in the matter.

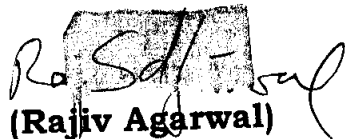
6. In the event, Respondent no. 3 decides to concede to the prayer for abiding by the judgment and order dated 8.5.2015 in O.A no 270/2015, he may issue necessary orders and place the same before this Tribunal on 7.4.2017 and in that even it shall not be necessary to file reply.


7. If proper response is not received, the attitude of asking four weeks unmindfully and in a mechanical manner is



persisted, measures such as imposing cost to be paid by the officer personally may have to be passed.

8. Learned P.O is directed to communicate this order to the Officer concerned.
9. Steno copy and Hamdast is allowed to learned P.O.
10. S.O to 7.4.2017.


(Rajiv Agarwal)
Vice-Chairman


(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 03.04.2017
Dictation taken by : A.K. Nair.