

O.A.797/2016

Shri S.V. Kasare ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Reserving the right of the Applicant to renew the request of interim relief on the next date, I am making it clear that regardless of whether the Affidavit-in-reply is filed or not, the OA shall be considered for interim relief anyhow on next date.

Issue notice returnable on 18.08.2016.


Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 18.08.2016. The learned C.P.O. do waive service.


(R.B. Malik) 03.08.16
Member (J)
03.08.2016

Hon'ble R.B. Malik
(M-5)
J.N. Kamble Adv.
R.B. Malik Adv.
N.K. Rajpurohit CPO
for the Respondents.
Heard
order passed in
Tribunal Column,
03.08.16.


THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

Application No.

of 20

District

Applicant/s

versus

The State of Maharashtra and others

Respondent/s

Presenting Officer

Notes, Office Memoranda of Comm.
Insurance, Tribunal's orders or
Petitions and Registrar's orders

Tribunal's orders

O.A.256/2016

Dr. L.G. Pandule

... Applicant

Vs.

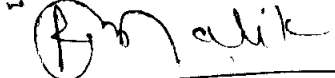
The State of Mah. & ors.

... Respondents

Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri N.K. Rajpurohit holding for Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Mentioned by Smt. Mahajan. She submits that she has now been instructed to appear in this Part Heard OA for Respondent No.4 - private party Respondent. She seeks an adjournment for about one week, so as to enable her to represent the case of her client. This request is very stoutly opposed by Mr. Kolge, the learned Advocate for the Applicant for the reasons stated by him *inter-alia* that the service on Respondents was made on 4th July, 2016 and the matter is now Part Heard and his client is being put to hardship. Smt. Mahajan on her part explains as to why the Respondent No.4 did not move earlier. The facts stated by her are controverted by Mr. Kolge. Considering all aspects of the matter, the matter is adjourned to 9th August, 2016. On that day, regardless of whether any Affidavit will be filed or not, further arguments will be heard. All sides must note.

S.O. to 9th August, 2016.



(R.B. Malik) 03.08.16
Member (J)
03.08.2016

Handwritten notes in a box:
Hon'ble R.B. Malik (M.J.)
D.M. Kolge vs. N.K. Rajpurohit holding for Ms. N.G. Gohad for respondents.
Mentioned notes passed in Tribunal Column.
Date 9/8/16.

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

Tribunal's orders

O.A.794/2016

Dr. S.R. Chinchkar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri Sherkhane holding for ^{Mr.} S.B. Gaikwad, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad holding for Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Issue notice returnable on 24.08.2016.


Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 24th August, 2016. The learned P.O. do waive service.


03.08.16

(R.B. Malik)
Member (J)
03.08.2016

(skw)

Handwritten notes in the left margin:
- Hon. Sr. R.B. Malik (M.T.)
- Shri S.B. Gaikwad holding for the Applicant.
- Mrs. K.S. Gaikwad holding for Smt. A.B. Kololgi P.O.
- the Respondents.
- Heard
- order passed in
- Tribunal column.
- 2020 24/8/16
- 24/8/16 e

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Application No. _____ of 20 _____ District _____ Applicant/s

versus

The State of Maharashtra and others

..... Respondent/s

Presenting Officer.....

Notes, Office Memoranda of Coram,
Enclosure, Tribunal's orders or
Directions and Registrar's orders

Tribunal's orders

O.A.651/2016

Shri S.V. Shinde ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Affidavit-in-rejoinder is taken on record. The OA is admitted. Sur-rejoinder, if any, ~~it~~ be filed on the next date and not thereafter. Liberty to mention granted.

(Signature)
23.08.16

(R.B. Malik)
Member (J)
03.08.2016

(skw)

Handwritten notes:
Registrar R.B. Malik (M.J.)
K.R. Jagdale Adv for Applicant
A.B. Kololgi P.O for Respondents
Heard
Admit
Liberty to mention granted

(Signature)

O.A.583/2016

Mr. R.G. Bhise ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Issue notice returnable on 31.08.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 31st August, 2016. The learned P.O. do waive service.



(R.B. Malik)
Member (J)
03.08.2016

(skw)

Hon'ble R.B. Malik

(M.J.)

K.R. Jagdale Adv

for Applicant.

K.B. Bhise PO for

Respondent.

Heard.

Order passed in

original column.

do 01.08.16.

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

Tribunal's orders

Date : 03.08.2016.

C.A.No.61 of 2016 in O.A.No.488 of 2016

Shri M.K. Bahaddarpure

...Applicant

Vs.

The State of Mah. & Ors.

...Respondents

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states on instructions received from Shri Suryawanshi S.B. Deputy Commissioner of Police as follows:-

- (a) Since the order passed by this Tribunal is carried before the Hon'ble High Court, the Respondents are desirous to go ahead on the basis of logical conclusion as may be rendered in the proceedings before the Hon'ble High Court and they do not want to reconsider the matter at their level.
- (b) Therefore, the hearing of present Contempt Application be adjourned till the admission hearing and orders as may be passed by the Hon'ble High Court in Writ Petition filed by the State on 4.08.2016.

3. Though the learned Advocate for the Applicant opposed to grant the adjournment, let the hearing be adjourned.

5. Adjourned to 23.08.2016 with liberty to request for advancing the date, if the case does not appear on the board before the Hon'ble High Court on due date communicated by the Respondents.

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

7. S.O. to 23.08.2016.

(A.H. Joshi J.)

Chairman

378/16

Coram - Hon'ble Justice Shri
B.H. Joshi (Chairman)

Smt Punam Mahajan
Adv for the Applicant.
Shri K.B. Bhise P.O. for
the Respondents.

Heard
order passed by
Tribunal Column.

S.O. to 23/8/16
Steno copy and
Hamdast is allowed.

S.O. to 23/8/16. 2

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

Tribunal's orders

Date : 03.08.2016.

M.A. 304 of 2016 in O.A.No. 238 of 2015

Miss. V.D. Bhataria

.... Applicant

Versus

The State of Maharashtra & Ors.

.... Respondent

1. Heard Ms. S.P.Manchekar, learned Advocate for Applicant, Ms. N.G.Gohad, learned Presenting Officer of the Respondents 1 to 3 & Shri D.B.Knaire, learned Advocate for Respondent No.4.

2. Issue notice returnable on 18.08.2016.

3. Tribunal may take the case for final disposal at the stage and separate notice for final disposal shall be issued.

4. Applicants are authorized and directed to serve Respondents intimation/notice of date of hearing authenticated by Registry, along with complete papers of O.A.. Respondents are put to notice that the case will be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 22 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation or alternate remedy are kept open.

6. The service may be done by Hand delivery, or by 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. S.O. to 18.08.2016.

DATE: 8/8/16

CORAM:

Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)

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

APPEARANCE:

Ms. S.P. Manchekar

Advocate for the Applicant

Shri/Smt. Ms. N.G. Gohad

C.P.O. for the Respondents No. 1 to 3.

D.B. Knaire For R.No.4.

Att. S.O. to 18/8/16.

(R.B. Malik)
Member-J

(Rajiv Agarwal)
Vice-Chairman

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO. 183 OF 2016

DISTRICT :Thane

Shri B.B. Patil

...Applicant

Vs.

The State of Mah. & Ors.

...Respondents

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

Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

CORAM : Shri J. A.H. Joshi, Chairman.

DATE : 03.08.2016

ORDER

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. It is seen that Respondent No. 2 is the Secretary (Excise) Home Department, an Appellate Authority.

Applicant has made various grievances against the Appellate Authority.

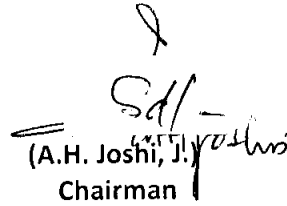
3. The affidavit in reply for the Respondent No.2 is filed by Smt. Punam Hiranman Wagde, Joint Secretary, Home Department, Mantralaya for the Respondent No.2.

4. Normally it may not be necessary for any appellate forum/ authority to an file affidavit, particularly when questions of fact and law are to be addressed within the compass of facts, grounds and the order impugned before Appellate forum.



5. In the present O.A. discriminatory treatment by the Appellate, Authority is pleaded in para 6.33.10. An averment of want of parity and uniformity vis a vis delinquents who are similarly situated from the point of view of acts imputed against them is also contained in O.A.
6. In view of these peculiar facts, it was /is necessary for the Appellate Authority to file an affidavit to explain, clarify and if necessary deny, those factual averment and background.
7. Therefore the affidavit answering the O.A. ought to have been filed by Shri Rajesh Kumar personally since he has taken the decision as an appellate authority.
8. *Prima facie* an affidavit filed by an officer other than who has decided the case, exhibits total non application of mind by Respondent No.2 (Shri Rajesh Kumar, the incumbent) as well as by the officer who has affirmed it.
9. In view of foregoing observations it would be appropriate and necessary in the interest of justice to give an opportunity to Shri Rajush Kumar, Secretary (Excise) who has acted as appellate authority to file own affidavit. If the officer elects or omits to file own affidavit, the case will be proceeded on the basis of principle of non traverse.
10. Learned C.P.O. was called to state as to whether affidavit would be filed by the officer concerned. Learned C.P.O. for the Respondents states that for want of adequate time, it would not be possible for him to make any commitment as to whether Shri Rajesh Kumar would file an affidavit, however he would communicate this order to Shri Rajesh Kumar and also appraise him suitably.

11. Steno copy and Hamdast is allowed to learned C.P.O., with direction to learned C.P.O. to communicate this order to Shri Rajesh Kumar, and the department.
12. Hearing of this case is adjourned to 30.08.2016. The case shall proceed for hearing with and without affidavit.
13. S.O. to 30.08.2016.


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

50a

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO. 801 OF 2016

Shri T.N. Munde **...Applicant**

vs.

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

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

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

CORAM : **Shri J. A.H. Joshi, Chairman.**

DATE : **03.08.2016**

ORDER

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. Heard. State was called to explain whether record is brought.
3. Learned P.O. for the Respondents has produced the file containing copy of the minutes of the Civil Services Board concerned, for perusal.
4. Copy of the minutes of the Civil Services Board is perused, and is also furnished to the learned Advocate for the Applicant.
5. The minutes of the Civil Services Board contain a reason due to which the Applicant is transferred.
6. Learned Advocate for the Applicant states as follows:-
 - (a) In view of the reasons which are disclosed in the minutes, the statutory conditions are not fulfilled, however O.A. needs to be amended.
 - (b) Leave to amend may please be granted.

Leave to amend as prayed for is granted.

Learned Advocate undertakes to carry out amendment within two days.

In so far as interim relief is concerned, in view of the fact that:-

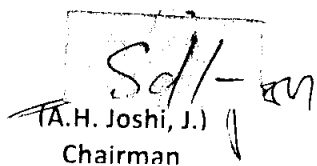
(a) Prima facie, the reasons are recorded while taking the decision to transfer the Applicant;

(b) Applicant is allowed to amend the O.A.:

~~The~~ Applicant has to wait for final hearing.

In the result the Applicant shall be free to join on the transferred post, and it shall not be open to the Respondents to take plea of non-availability of a vacant post in the event the transfer order is ultimately set aside.

S.O. to 09.08.2016.


T.A.H. Joshi, J.)
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ District _____

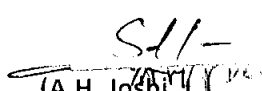
For State/Respondent.....

VERSUS

The State of Maharashtra and others

For Applicant.....

Representing Officer.....

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>3/8/16</u></p> <p>CORAM:</p> <p>Judge Justice Shri A. H. Joshi (Chairman)</p> <p>Judge Sh. M. Kameshwar (Member) A</p> <p>REASONING:</p> <p>Presented by Applicant: <u>Appl. in person present</u></p> <p>Presented by Respondent: <u>K.B. Bhise</u></p> <p>Adj. To: <u>25/8/16</u></p> <p style="text-align: right;"><i>BTE</i></p>	<p>Date : 03.08.2016.</p> <p>O.A.No.798 of 2016</p> <p>Ms. M.A. MohiteApplicant</p> <p>vs.</p> <p>The State of Mah. & Ors.Respondent</p> <p>1. Heard Ms. M.A. Mohite, Applicant in person and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has brought compilation of Government Resolutions and various judgments. The same be delivered to Applicant.</p> <p>3. By consent hearing is adjourned.</p> <p>4. Member of Bar requested to address on the point involved in the matter being of wider impact</p> <p>5. S.O. to 25.08.2016.</p> <p style="text-align: right;">  (A.H. Joshi, J.) Chairman </p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

Original Application No.

of 20

DISTRICT

State of Maharashtra and others

The State of Maharashtra and others

Presenting Officer

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

Date : 03.08.2016.

C.A.No.41 of 2016 in O.A.No.1225 of 2010

Shri S.C. Gupta ...Applicant

vs.

The State of Mah. & Ors. ...respondent.

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has tendered affidavit of apology of the Respondent. It is taken on record.

3. Learned Advocate for the Applicant prays to consider as to whether Applicant needs to be pursued.

4. S.O. to 08.08.2016.

DATE: 3/8/16

COMMITTEE

Hon. JUDGE Shri A. H. Joshi (Chairman)

Hon. JUDGE Shri K. B. Bhise (Member) A

ADVOCATE:

Shri S.P. Manchekar

ADVOCATE FOR THE APPLICANT

Shri K.B. Bhise

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

Adj. To: 8/8/16

[Handwritten signature]

[Handwritten signature]

(A.H. Joshi, J.)
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____

Advocate

versus

The State of Maharashtra and others

Representing Officer.....

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

Date : 03.08.2016.

C.A.No.60 of 2015 in O.A.No.1013 of 2014

Shri M.V. DeshmukhApplicant

vs.

The State of Mah. & Ors.Respondent

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

2. Learned P.O. for the Respondents Shri K.B. Bhise prays for time to study the case and take suitable steps as advised by the Respondents.

3. S.O. to 10.08.2016.

DATE: 3/8/16

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

APPEARANCE:
Shri M.D. Lonkar

Advocate for the applicant
Shri K.B. Bhise
C.P.O./P.O. for the Respondent/s

Adj. To.....10/8/16.....

[Handwritten initials]

sba

[Signature]
(A.H. Joshi, J.)
Chairman

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

Original Application No. _____ of 20 _____ DISTRICT _____

Parties to the Application.....

vs.

The State of Maharashtra and others

.....

(Presenting Officer).....

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

Date : 03.08.2016.

M.A.No. 195 of 2016 in O.A.No.359 of 2016

Shri P.D. YasatwarApplicant

vs.

The State of Mah. & Ors.Respondent

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant Ms. S.P. Manchekar prays for leave to place on record copy of the judgment of Hon'ble Supreme Court, as an annexure to the M.A.

3. ~~Time~~ ^{Leave} as prayed for is granted.

4. S.O. to 12.08.2016.

DATE: 3/8/16

CORAM:

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

Hon'ble Mr. Justice _____ (Member) A

DATE

Signed

S.P. Manchekar

Signed

K.B. Bhise

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

Adj. To.....

12/8/16

[Handwritten signature]

[Handwritten signature]
(A.H. Joshi, J.)
Chairman