

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 38 OF 2019

DISTRICT : THANE

Shri S.R Bagde)...**Applicant**

Versus

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

Shri S. Shaikh, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents 1 & 3.

Shri M.D Lonkar, learned advocate for Respondent no. 2.

CORAM : **Shri Justice A.H Joshi (Chairman)**

Shri P.N Dixit (Member) (A)

DATE : **04.02.2019**

PER : **Shri Justice A.H Joshi (Chairman)**

ORDER

1. Heard Shri S. Shaikh, learned advocate for the Applicant, Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents 1 & 3 and Shri M.D Lonkar, learned advocate for Respondent no. 2.

2. This O.A was taken up for hearing for final disposal.

3. In the midst of hearing the question which goes to the root as to whether the Respondent no. 2 is subjected to any enquiry for misconduct and if averred be in affirmative to secure copy of memorandum of charge if any served.

4. On enquiry by this Tribunal, learned P.O has secured information from the Government memorandum of and charge sheet served on



Respondent no. 2, which is dated 24.10.2017 for action under Rule 8 of MCS (D & A) Rules, 1979.

5. By examining the pleadings it has transpired that applicant has made averment in para 11 A O.A to following effect.

“VII.11(A) The Applicant states that the applicant vide an email received an information called by Mr Jayant Laxmikant Choupane under Right to Information Act, 2005 from Public Works Department, Mantralaya, Mumbai, wherein the said Mr Choupane was informed by the concerned Department that proposal has been forwarded to General Administration Department regarding initiation of Combined Departmental Enquiry against the responsible officers like Respondent no. 2 along with two other officers with respect to irregularities pertaining to fire detection and fire-fighting tender at Sasoon Hospital, Pune. Therefore, from the above mentioned facts and circumstances, it is clear that the Departmental Inquiry has been proposed or initiated against the Respondent no. 2 and in view of the Government Circular dated 5.9.2018, the Respondent no. 2 is ineligible for handing over of the additional charge of the Chief Electrical Inspector, Industries, Energy and Labour Department by Respondent no. 3. Hereto annexed and marked as Exh. ‘J-1’ is the copy of letter dated 20.7.2017.”
(Quoted from page 9 of O.A)

6. It became necessary to find out reply of contesting Respondents and of Res.no 3.

7. Reply of Respondent no. 3 is affirmed by Bhimashankar Yallappa Manta on 3.1.2019. Para 16 of the reply deals with para VII.11(A). Text thereof reads as follows:-

“16. With reference to amended Para no. VII. 11(A), I say that the issue mentioned in the said para pertains to Public Works Department. Hence, the Public Works Department is competent to comment on this.”

(Quoted from page 5 of reply)

8. In the background that charge sheet is served by Government on Res.no. 2, we thought it necessary to call for the officer who has affirmed the affidavit for certain question as he has evaded reply to the aspect of misconduct on the part of Respondent no. 2.

9. Learned P.O took instructions from Smt Urmila L. Khopade, Desk Officer, Industry, Energy and Labour Department, who is present and states that Shri Bhimashankar Yellapa Mantha has retired on the day on which he has affirmed the affidavit.

10. Learned P.O was called to state after taking instructions as to whether affidavit affirmed by Shri Bhimashankar Yallapa Manta was approved by Secretary of the Department.

11. Learned P.O has taken instructions from the officer Smt Urmila Khopade, Desk Officer, Industry, Energy and Labour Department, Mantralaya, Mumbai who states after consulting the papers that the Principal Secretary, Industry, Energy and Labour Department has approved the affidavit.

12. In view of contents of para VII.11(A), it was bounden duty of the department and in particular Secretary, Industry, Energy and Labour Department to have secured factual data and then to get the reply drafted by incorporating the answers to the averments contained in para VII.11(A) and only thereafter, process the reply. The Government department who is defending the case ought not be a party to suppression of fact or concealing the fact either directly or indirectly.

13. This Tribunal had directed learned P.O to produce original office note for perusal. The office note indicates that Principal Secretary, Industry, Energy & labour Department, has endorsed the approval. Learned Presenting Officer was called to furnish name of the Principal Secretary, who has endorsed approval of the draft affidavit. Learned P.O has furnished the name of Principal Secretary, Industry, Energy & Labour Department, as Shri Arvind Singh, IAS.

14. In the situation that the officer who has affirmed the affidavit is superannuated, the choice before us is to issue show cause notice to Shri Arvind Singh, IAS, Principal Secretary, Industry, Energy and Labour Department, to show cause as to why action should not be taken against

him towards his act of being instrumental to conduct of "suppressive vari and suggestive falsi".

15. Shri Arvind Singh, I.A.S, Principal Secretary, Labour, Energy & Labour Department is called to show cause as to why he should not be dealt with for being instrumental for approval of draft affidavit and to be filed on behalf of Government and thereby by having become party to act of perjury. For this purpose, issue a notice of show cause to Shri Arvind Singh, Principal Secretary, Industry, Energy & Labour Department returnable on 8.2.2019.

16. Learned P.O is directed to communicate this order to Shri Arvind Singh, I.A.S, Principal Secretary, Labour, Energy & Labour Department.

17. S.O to 8.2.2019.

18. The question of interim relief is kept open till next date of hearing.

19. Steno copy and Hamdast is allowed.

Sd/-

(P.N Dixit)
Member (A)

Sd/-

(A.H. Joshi, J.)
Chairman

Place : Mumbai
Date : 04.02.2019
Dictation taken by : A.K. Nair.

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

Date : 04.02.2019.

Tribunal's orders

O.A.No.965 of 2018

S. S. Nimangare

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A. A. Deshpande, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.
2. In view of the order passed in M.A.No.38/2019 in M.A.22/2019 in O.A.965/2018, cost of Rs.1000/-is deposited. O.A.No.965/2018, which has been dismissed in default for non compliance of condition order of Service of Affidavit has been restored.
3. In view of restoration of O.A.965/2018, issue fresh notices before admission returnable on 05.03.2019.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. 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.
6. 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.
7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
8. In case notice is not collected within seven 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.
9. S.O. to 05.03.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**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.

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 04.02.2019. Tribunal's orders</p>
	<p>M. A. No.38 of 2019 in M.A. No.22 of 2019 in O.A.No.965 of 2018</p> <p>S. S. NimangareApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. A. Deshpande, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. O.A.965/2018 was dismissed in default for non compliance of condition order of issuance of notices dated 30.10.2018. The Applicant has, therefore, filed restoration application, which has been delayed by 76 days and, therefore, seeks condonation of delay on the ground that due to inadvertence of the Advocate, compliance of the issuance of the notices and filing service report along with Affidavit could not be complied.</p> <p>3. For the reasons stated in the application, delay of 76 days is condoned subject to cost, so as to decide the O.A. on merit.</p> <p>4. The application for condonation of delay is allowed with subject to payment of cost of Rs.1000/-. Accordingly, the delay is condoned on the payment of Rs.1000/- as well as the application of restoration is also allowed.</p> <p>5. On payment of cost of Rs.1000/-, O.A.No.965/2018 be restored on the file.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Date : 04.02.2019.

O. A. No.86 of 2019

D. D. RajnorApplicant

Versus

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

1. Heard Shri S. S. Dere, learned Advocate for the Applicants and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 05.03.2019.
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 seven days or service report on affidavit is not filed 3 days before returnable date, Driginal Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. S.O. to 05.03.2019

Sd/-

(A.P. Kurhekar)
Member(J)

Vsm

**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 : 04.02.2019.</p> <p align="center">O.A.No.916 of 2018</p> <p>Dr. S. V. GanuApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. In this O.A. directions are raised to release pay and allowances in terms of Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. As such, it being relating to retiral benefits, the O.A. deserves to be decided expeditiously. 3. The matter be kept for final hearing under the caption of final hearing at the stage of admission. 4. S.O. to 12.02.2019. <p 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	Date : 04.02.2019. Tribunal's orders O.A.No.105 of 2019
	<p>M. B. GhodkeApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. The facts of the present case are quite unusual. The Applicant was working as Assistant Conservator of Forest, Mangrove Protection, Mumbai. By order dated 31.05.2018, he was transferred to the office of Deputy Director, Forest Training Institute, Shahapur, District Thane. However, the said order was not implemented because of another order passed by the Government on 21.06.2018, whereby it was directed that the Applicant be retained at his own post in view of the administrative exigency and pending work in the Mangrove Department. Therefore, the Applicant continued to work as Assistant Conservator of Forest, Mangrove Protection, Mumbai. However, abruptly by order dated 01.02.2019, he was asked to join at Shahapur and was directed to hand over his charge at Mangrove as Assistant Conservator of Forest, Mangrove Protection, Mumbai.</p> <p>3. The Applicant contends that he has undergone bypass surgery in 2006. Secondly, he is due for retirement at the end of November, 2019. He, therefore, contends that the impugned order dated 01.02.2019 be stayed and he be allowed to work as Assistant Conservator of Forest, Mangrove, Mumbai.</p> <p>4. Per contra, the learned P.O. opposes interim relief contending that as the Applicant was transferred in general transfer of 2018, the question of challenge to the transfer order does not survive and simply he has been relieved now. According to learned P.O. there is requirement of the department at Training Institute, Shahapur and, therefore, he is ordered to be relieved by the impugned order dated 01.02.2019.</p> <p>5. Thus, what transpires from the pleadings that though the Applicant was transferred in general transfer of 2018, he was retained for the convenience of the department. After eight months, now he has been ordered to be relieved abruptly.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. To my mind, such relieving order may amount to mid-term transfer, as it has effect of shifting of the Applicant in the manner other than general transfer. Since no one is appointed on the post of the Applicant, I find, he has made out prima-facie case for his continuation as Assistant Conservator of Forest, Mangrove Protection, Mumbai.</p> <p>7. In view of above, interim relief is granted in terms of prayer clause 15(c) of the O.A. till the filing of the reply.</p> <p>8. Issue notice before admission returnable on 05.03.2019.</p> <p>9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>10. 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>11. 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>12. 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.</p> <p>13. In case notice is not collected within seven 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.</p> <p>14. S.O. to 05.03.2019</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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
<p>DATE: <u>4/2/2019</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) P.N. Dixit Hon'ble Shri M. Ramesh Kumar (Member) A</p> <p>APPEARANCE: Shri/Smt: <u>I.S. Chougule</u> Advocate for the Applicant Shri/Smt: <u>A.J. Chougule</u> G.P.O / P.O. for the Respondent/s</p> <p>A. To <u>25 Issue notice</u> <u>returnable on 25/3/2019.</u></p> <p style="text-align: right;"><i>MT</i> <i>Ch</i></p>	<p>04.02.2019</p> <p style="text-align: center;"><u>O.A 23/2019</u></p> <p>Dr N.L Chutke ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri I.S Charlewar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents</p> <p>2. Issue notice returnable on 25.3.2019</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>8. S.O to 25.3.2019.</p> <p>Sd/- (P.N Dixit) Member (A)</p> <p style="text-align: right;">Sd/- (A.H Joshi J.) 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
<p>DATE: <u>4/2/2019</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>S.S. Dere</u> Advocate for the Applicant Shri/Smt. <u>Swati Manchekar</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>Issue notice in M.A. and O.A. returnable on 25/3/2019.</u></p> <p><i>file</i></p>	<p>04.02.2019</p> <p>M.A 44/19 in M.A 45/2019 in O.A 03/2018 with O.A 3/2018</p> <hr/> <p>Shri R.T Kale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Dere, learned advocate for the applicant and Ms Swati Manchekar, learned P.O for the Respondents</p> <p>2. Issue notice in M.A & O.A returnable on 25.3.2019</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>8. S.O to 25.3.2019.</p> <p>Sd/- (P.N Dixit) Member (A)</p> <p>Sd/- (A.H Joshi, <i>u/s</i>) 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
<p>DATE: <u>4/2/2019</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri <u>P.N. Dixit</u> (Member)</p> <p>APPEARANCE: Sd/- <u>C.T. Chandratre</u> Advocate for the Applicant Sd/- <u>Swati Manchekar</u> C.P.O. / P.O. for the Respondent/s</p> <p>Adj. To..... <u>MA for leave to amend</u> <u>as per prayer clause 5(a)</u> <u>allowed.</u></p> <p style="text-align: right;"><u>B.L.</u></p>	<p>04.02.2019</p> <p style="text-align: center;"><u>M.A 48/2019 in O.A 1118/2017</u></p> <p>Dr Smt Sadhana Thorat ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri C.T Chandratre, learned advocate for the applicant and Ms Swati Manchekar, learned P.O for the Respondents</p> <p>2. M.A for leave to amend as per prayer clause 5(a) allowed.</p> <p>Sd/- _____ (P.N. Dixit) Member (A)</p> <p>Sd/- _____ (A.H Joshi) J. Chairman</p> <p>Alm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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 04.02.2019
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O.A 1041/2013

Shri D.A Salunke & Ors ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri C.T Chandratre, learned advocate for the applicant and Smt K.S, learned P.O for the Respondents

2. Learned advocate Mr Chandratre expresses handicapped for proceeding with the final hearing in absence of specific instructions from the applicants.

3. Moreover, it is shown from record of the judgment of Hon. High Court that applicant no. 1, Dilip Salunkhe does not wish to press the cause. Hence O.A is disposed of as regards applicant no. 1 in view of statement made before Hon. High Court.

4. O.A is dismissed for default in so far as applicants no 2 & 3 is concerned.

DATE: 4/2/2019

CORAM:

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

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

APPEARANCE:

Shri/Smt. C.T. Chandratre

Advocate for the Applicant

Shri/Smt. K.S. Gajwad

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

Adj. To..... O.A is dismissed for default in so as applicants no. 2 & 3 is concerned.

[Handwritten signature]

Sd/-

(P.N Dixit)
Member (A)

Sd/-

(A.H Joshi, J.)
Chairman

[Handwritten signature]

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate

versus

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>4/2/19</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Kameshwar (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>N.D. Lonkar</u> Advocate for the Applicant Shri/Smt. <u>A.J. Chougule</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. <u>26/2/2019.</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>04.02.2019</p> <p style="text-align: center;"><u>O.A 505/2015 with O.A 498/2015</u></p> <p>Shri V.R Salodkar [O.A 505/2015] Shri V.V Dharmadhikar [O.A 498/2015]... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri M.D Lonkar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents 2. Learned advocate for applicant prays for leave to amend for placing on record certain documents. 3. Leave to add annexures and furnish fresh index is granted. 4. S.O to 26.2.2019. <p>Sd/- (P.N Dixit) Member (A)</p> <p style="text-align: right;">Sd/- (A.H Joshi, J.) Chairman</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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(Presenting Officer.....)

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<p>DATE: <u>4/2/19</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri <u>P.N. DIXIT</u> (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>H. Ghadigaonkar</u> Advocate for the Ap. Side Shri/Smt. <u>H. G. Gohad</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. <u>5/2/2019</u></p>	<p>04.02.2019</p> <p><u>O.A 306/2015</u></p> <p>Shri R.D Kamble ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri H. Ghadigaonkar, learned advocate for the applicant and Ms Neelima Gohad learned P.O for the Respondents</p> <p>2. Learned P.O Ms Gohad states that:</p> <p>(a) She has failed to communicate order dated 24.1.2019, and tenders apology towards said failure;</p> <p>(b) Time may be granted for communication of order and its compliance.</p> <p>3. For enabling learned P.O to ensure the compliance, hence S.O to 5.2.2019 for reporting communication and for statement as to the date before which compliance would be reported.</p> <p>Sd/- <u>[Signature]</u> (P.N Dixit) Member (A)</p> <p>Sd/- <u>[Signature]</u> (A.H Joshi, J.) Chairman</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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 Date : 04.02.2019.
	<p align="center">O.A.No.558 of 2018</p> <p>K. D. DhondgeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In this matter, the challenge is to the suspension order dated 07.10.2018. However, during the pendency of this O.A., the suspension has been revoked by the Government by order dated 14.12.2018. In pursuance of it, the Applicant has taken in services and reinstated at Nashik by order dated 01.01.2019.</p> <p>3. Today, the learned Advocate for the Applicant has tendered a copy of order of reinstatement dated 01.01.2019. It is taken on record.</p> <p>4. As such, the grievance of the Applicant has ^{been} redressed and the cause of action now does not survive.</p> <p>5. In view of above, the O.A. is disposed of with no order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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
	<p>Date : 04.02.2019.</p> <p align="center">O.A.No.1007 of 2018</p> <p>H. V. SapaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Kranti Gaiwad, learned Presenting Officer for the Respondents.</p> <p>2. In the present matter, the challenge is to the suspension order dated 14.09.2018. It being relating to suspension order, therefore, the O.A. needs to be decided expeditiously.</p> <p>3. In view of above, the matter be listed for final hearing under the caption of final hearing at the stage of admission. in the meantime, learned P.O. is at liberty to file Sur-Rejoinder, if any.</p> <p>4. S.O. to 13.02.2019.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearances, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 04.02.2019.
	<p style="text-align: center;">O.A.No.855 of 2018</p> <p>R. T. ZaijariApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.2. Learned C.P.O. for the Respondents has filed Affidavit-in-Sur-Rejoinder on behalf of Respondent No.1. It is taken on record.3. As the challenge is to the suspension order dated 27.08.2018, the matter needs to be decided expeditiously.4. Learned Advocate for the Applicant sought to contend that the impugned order is illegal on account of absence of power on the part of Divisional Commissioner to pass the impugned order.5. In view of above, the matter needs to be decided on merit finally. It be kept for final hearing under the caption of final hearing at the stage of admission.6. S.O. to 14.02.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

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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
	<p>Date : 04.02.2019.</p> <p align="center">O.A.No.1132 of 2018</p> <p>D. A. ChandelApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam holding for Shri D. B. Khaire, learned Advocate for the Applicant and Smt. Kranti Gaiwkad , learned Presenting Officer for the Respondents 1 & 2 and Shri S. S. Randive, learned Advocate for the Respondent No.3.</p> <p>2. Learned P.O. for the Respondents has filed reply on behalf of the Respondent No.1 and the same is adopted as reply on behalf of Respondent No.2 also.</p> <p>3. Today, learned Advocate for the Respondent No.3 has filed reply on behalf of the Respondent No.3. It is taken on record.</p> <p>4. In this O.A., the challenge is to the transfer order and, therefore, the matter needs to be decided expeditiously.</p> <p>5. The matter be kept for final hearing under the caption of final hearing at the stage of admission.</p> <p>6. S.O. to 18.02.2019.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 04.02.2019.
	<p>O.A.No.1066 of 2018 with O.A.No.1067 of 2018</p> <p>A. N. Nimkar M. V. SonawaneApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Kranti Gaikwad & Shri S. D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has filed reply on behalf of the Respondent No.1. It is taken on record.</p> <p>3. The matter be kept with connected matter i.e.1067/2018.</p> <p>4. S.O. to 25.02.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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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 : 04.02.2019.</p> <p>O.A.No.25 of 2019</p> <p>R. H. Sartape Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has filed reply on behalf of the Respondent Nos.1 to 3. It is taken on record.</p> <p>3. The matter pertains to withholding of retiral benefits and, therefore, needs to be decided expeditiously.</p> <p>4. In view of above, the matter be kept for final hearing under the caption of final hearing at the stage of admission.</p> <p>5. S.O. to 08.02.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

**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 : 04.02.2019.</p> <p align="center">O.A.No.101 of 2019</p> <p>P. R. GawaliApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. In the present O. A., the Applicant has challenged the impugned transfer order dated 10.12.2018, whereby he was transferred from Vavi, Police Station, District Nashik to Headquarter Nashik (Rural). However, after filing of O.A., the impugned transfer order has been cancelled by the Respondents on 01.01.2019.</p> <p>3. Learned P.O. has tendered a copy of letter issued by the Respondent dated 01.01.2019 to that effect. At the same time, learned Advocate for the Applicant has also produced Affidavit sworn by the Applicant stating that in view of cancellation of transfer order, he wants to withdraw the O.A.</p> <p>4. In view of above, the grievance raised in the application has been redressed and as the no cause of action is survived, the O.A. is disposed of accordingly. No order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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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
	<p>Date : 04.02.2019.</p> <p>O.A.No.1038 of 2018</p> <p>S. D. MankarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms Bhavana Punalekar holding for Shri Nitin Dalvi, learned Advocate for the Applicant, Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondent No.1 and Shri P. R. Pande holding for M. M. Sudane, learned Presenting Officer for the Respondent No.2.</p> <p>2. in the present matter, the challenge is to the transfer and posting, therefore, it needs to be decided expeditiously.</p> <p>3. As the pleadings are complete, the matter be kept under the caption of final hearing at the stage of admission.</p> <p>4. S.O. to 14.02.2019.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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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 : 04.02.2019.</p> <p align="center">M. A. No.43 of 2019 in O.A.No.739 of 2017</p> <p>S. N. PophaleApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Ms S. Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. In O.A. No.739/2017, the challenge is to the order dated 17.05.2017, whereby sum of Rs.10,11,959/- sought to be recovered towards unauthorized occupation of the Government quarter.</p> <p>3. Learned Advocate for the Applicant has filed M.A.No.43/2019 seeking permission to amend the O.A. By proposed amendment, the Applicant sought to incorporate and highlight discriminatory treatment meted out to him and for this purpose reliance is placed on the judgment passed by this Tribunal in O.A.No.41/2016 decided by the Hon'ble Chairman on 10.08.2018. The copy of the judgment dated 10.08.2018 is also produced for perusal.</p> <p>4. O.A. No.739/2017 is admitted for final hearing. The M.A. is also filed in the same O.A. for amendment as stated above.</p> <p>5. In view of above, there is no need to issue notices to the Respondents as the learned P.O. is representing the Respondents in O.A.</p> <p>6. Learned P.O. may file the reply or argue the matter orally on the next date.</p> <p>7. S.O. to 06.02.2019.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p align="left">vsm</p>