

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

05.02.2016

O.A No 522/2013

Heard K.R Jagdale, learned advocate for
the applicant and Ms Neelima Gohad, learned
Presenting Officer for the Respondents.

Affidavit in rejoinder is filed by the learned
advocate for the Applicant. Respondents are at
liberty to file sur-rejoinder, if need be.

O.A is admitted. Place for final hearing on
15.2.2016.

NO. 5/2-16

~~Signature~~

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

~~Shri. K. R. Jagdale (Member)~~

~~APPEARANCE:~~

Shri. K. R. Jagdale

Advocate for the Applicant

Shri. M. G. Gohad

Presenting Officer for the Respondents

Rejoinder filed by Applicant.

Akn

O.A. is admitted.

S.O. No 15/2-16.

FH
Gohad

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

ORIGINAL APPLICATION NO.1266 OF 2013

DISTRICT : MUMBAI

Shri G.P. Jawale & Ors.)...Applicants

Versus

1. The State of Maharashtra & 3 Ors.)...Respondents

Shri V.P. Potbhare, Advocate for Applicants.

Ms. N.G. Gohad, Presenting Officer for Respondents.

**CORAM : RAJIV AGARWAL (VICE-CHAIRMAN)
R.B. MALIK (MEMBER-JUDICIAL)**

DATE : 05.02.2016

PER : RAJIV AGARWAL (VICE-CHAIRMAN)

ORDER

1. Heard Shri V.P. Potbhare, learned Advocate for the Applicants and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2. Learned Advocate Shri Potbhare makes a categorical statement that the claim of the Applicants is regarding pay scales attached to the following three posts namely;

- (i) Store Supervisor (भांडार पर्यवेक्षक)
- (ii) Store Keeper (भांडारपाल)
- (iii) Store Assistant / Picker (भांडार सहाय्यक/ वेचनीकार)

3. The claim of the Applicants is that, starting from 3rd Pay Commission, different pay scale is given to the persons working in these posts in Greater Mumbai Milk Scheme and Government Milk Scheme, Pune. In fact, the persons working in Government Milk Scheme, Pune are getting much higher pay. Just to compare the pay scale after the recommendation of the 6th Pay Commission, the following pay scale are granted :-

Posts	Pay scale as per 6 th Pay Commission- In Mumbai	Pay scale as per 6 th Pay Commission- In Pune
Store Supervisor	5200-20200 + 2400 G. P.	9300-34800+4300 G.P.
Store Keeper	5200-20200 + 2000 G. P.	5200-20200+2400 G. P.
For Store Assistant / Picker	4440-7440 + 1600 G. P.	5200-2200 + 1900 G.P.

4. Learned P.O. states that the pay difference has arisen because of the G.R. dated 18th March, 1985.

5. On instructions from Mr. Manoj A. Desai, Dairy Supervisor who is present in the Court, learned P.O. is not able to make definite statement whether the persons having the same designation in Greater Mumbai Milk Scheme and Government Milk Scheme, Pune are performing the same work. Learned P.O. states that the post of Store Supervisor in Government Milk Scheme, Pune is re-designated as Superintendent and he has been given higher pay scale. However, why the post was upgraded and whether the post of Store Supervisor exists in Govt. Milk Scheme, Pune is not clear.

6. We find that the Additional Affidavit on behalf of Respondents 1 to 4 dated 26.10.2015 has been filed by Deputy Director who is working in the office of General Manager, Greater Mumbai Milk Scheme, Worli. The issues involved in the present OA are the pay scales which are given to the employees working in Greater Mumbai Milk Scheme and Government Milk Scheme, Pune. Obviously, the persons working in Greater Mumbai Milk Scheme cannot file Affidavit which require clarification in the Government policy and the circumstances in which G.R. of

1/2

18th March, 1985 was issued. It has to be clarified as to whether the G.R. dated 18.3.1985 violates the principles of 'equal pay for equal work'.

8. In the circumstances, the Respondents are directed to file Affidavit sworn by some responsible Officer working in Mantralaya in ADF Department clarifying these issues including the issue as to why there is disparity between the pay scales for these three posts in Greater Mumbai Milk Scheme and Government Milk Scheme, Pune. If the higher pay scales are granted to persons working in Pune, whether the persons working in Pune are required to shoulder higher responsibilities. It will also be necessary to attach the job charts and the responsibilities entrusted to the persons occupying these posts, both in Mumbai and Pune.

S.O. to 26th February, 2016. Hamdast.

(R.B. Malik)
Member-J
05.02.2016

(Rajiv Agarwal)
Vice-Chairman
05.02.2016

Mumbai

Date : 05.02.2016

Dictation taken by :

S.K. Wamanse.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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<p><u>01.02.2016</u></p> <p><u>O.A Nos 117 & 201/2015</u></p> <p>Heard Shri A.V Patil, learned advocate for the Applicants and Ms Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>This Tribunal has given detail directions to the Respondent no. 1 to file affidavit in reply by order dated 27.4.2015. It is seen that the affidavit in reply is filed on behalf of the Respondents no 1 & 2, Director of Arts on 1.7.2015. It was expected that affidavit will be by some responsible officer working in Higher & Technical Education department in Mantralaya as this Tribunal wanted to know as to why the benefits which was made available to the Petitioners in W.P no 2046/2010 should not be made applicable to the present Applicants. The circumstances in which the Applicants were first appointed have to be elaborated to show whether they are back door entrants, or not. Even if it is held that they are back door entrants, in view of their long service whether they will be entitled for regularization of service in view of the subsequent judgments of the Hon. Supreme Court in SECRETARY, STATE OF KARNATAKA Vs. UMADEVI, 2006 AIR SCW 3865, should also be examined. Respondent no. 1 is, therefore, directed to file affidavit clearly mentioning as to whether the Applicants are treated as back door entrant in service, and if so the reasons thereof and all other issues which have been raised by the Applicant.</p> <p><u>5/2/16</u></p> <p><u>Rajiv Agarwal</u> Vice-Chairman</p> <p><u>PH</u> <u>Patil</u></p> <p><u>A.V. Patil</u> Advocate for the Applicant</p> <p><u>Neelima Gohad</u> Presenting Officer for the Respondents</p> <p><u>26/2/16. Hamdast</u></p>	<p><u>01.02.2016</u></p> <p><u>O.A Nos 117 & 201/2015</u></p> <p>Heard Shri A.V Patil, learned advocate for the Applicants and Ms Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>This Tribunal has given detail directions to the Respondent no. 1 to file affidavit in reply by order dated 27.4.2015. It is seen that the affidavit in reply is filed on behalf of the Respondents no 1 & 2, Director of Arts on 1.7.2015. It was expected that affidavit will be by some responsible officer working in Higher & Technical Education department in Mantralaya as this Tribunal wanted to know as to why the benefits which was made available to the Petitioners in W.P no 2046/2010 should not be made applicable to the present Applicants. The circumstances in which the Applicants were first appointed have to be elaborated to show whether they are back door entrants, or not. Even if it is held that they are back door entrants, in view of their long service whether they will be entitled for regularization of service in view of the subsequent judgments of the Hon. Supreme Court in SECRETARY, STATE OF KARNATAKA Vs. UMADEVI, 2006 AIR SCW 3865, should also be examined. Respondent no. 1 is, therefore, directed to file affidavit clearly mentioning as to whether the Applicants are treated as back door entrant in service, and if so the reasons thereof and all other issues which have been raised by the Applicant.</p> <p>S.O to 26.2.2016. Hamdast.</p> <p><u>Rajiv Agarwal</u> (Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

MAA/RAA/CAA No. _____ of 20

IN

Original Application No. _____ of 20

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Office Notes, Office Memoranda of Circumstances, Appearances, Tribunal's orders or directions and Registrar's orders

Tribunal's orders

O.A.929/2015

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

The matter is what can be called request for change of division. It appears that in the alter, subject matters in the context of assignment of OAs Single or Division Bench, such matters should fall within Serial No.2 (transfer) and before Single Benches. The Office may now act accordingly and get this matter placed for final hearing before an appropriate Single Bench on 9th February, 2016.


5/2/16
(R.B. Malik)
Member (J)
05.02.2016

(skw)

DATE: 5/2/16 DLB

COMES:

Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri R.B. Malik (Member) A

APPEARANCES:

Shri S.P. Manchekar

Advocate for the Applicant

Shri A.J. Chougule
C.P.O./P.O. for the Respondent/s

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

SL. NO. OF O.A. No. of 20

IN

Original Application No. of 20

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Appearances, Tribunal's orders or
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Tribunal's orders

O.A.349/2009 with O.A.251/09,
249/09, 259/09, 270/09, 280/09,
281/09, 242/09, 243/09, 258/09,
260/09, 261/09, 263/09, 267/09,
269/09, 308/09, 178/09, 244/09, 246
to 248/09, 250/09, 252 to 257/09,
262/09, 264/09, 265/09, 266/09,
268/09, 271 to 274/09, 276/09 to
279/09, 282/09, 283/09, 306/09,
307/09, 323/09, 226/09, 350/09, 352
to 356/09, 678/09 and 683/09.

Heard Ms. Chaitrali Parab holding for Ms. Lata Patne, learned Advocate for the Applicants, Shri Sakolkar, learned Advocate who appears in 7 OAs and holds for Mr. V.B. Wagh in other matters and Mrs. Gaikwad, the learned P.O. for the Respondents.

The learned Advocates for the Applicants seek time to file Rejoinder while the Affidavits-in-reply in all but one matters have not been tendered so far. It is possible that the Affidavit-in-reply filed in OA 242/2009 may be treated as Affidavits in all the matters, but even such an Affidavit-in-reply has not be filed despite the fact that on the last occasion cost was imposed. It appears quite clearly to us that when the Hon'ble High Court expedites any matter, both the parties are also responsible to facilitate early hearing and disposal. How we wish both the sides had shown awareness to this fundamental aspect of the matter. Now, this group of OAs is being

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appointed for arguments. No adjournment for any Affidavit shall be given. The Respondents in case they are so disposed as to file the Affidavits-in-reply in the matter where they have not done it so far, still want to file the same, they shall make sure that their Affidavits-in-reply are ready and are actually tendered just before the hearing commences and in that event, they must also ensure that the copies of the replies must be furnished to the learned Advocates for the Applicants whose names appear on record at least five days in advance whereupon if the Rejoinder is necessary that also should be kept ready. We are sure that we could not have been clearer than this to emphasize that on the next date arguments shall be heard and today itself a date is being so appointed as to take care of all concerned.

S.O. to 2nd March, 2016.

(Signature)
05.02.16

(R.B. Malik)
Member (J)
05.02.2016

(Signature)
(Rajiv Agarwal)
Vice-Chairman
05.02.2016

(skw)

DATE: 5/2/16

MEMO:

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

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

APPLICANTS:

Chaitrali Parakh
Hobling Parakh
Ms. S. G. Deshpande
Ms. S. G. Deshpande
Ms. S. G. Deshpande
Ms. S. G. Deshpande
Ms. S. G. Deshpande
Ms. S. G. Deshpande
Ms. S. G. Deshpande
Ms. S. G. Deshpande
Ms. S. G. Deshpande

S.O. to 26/2/16.

HOB
(Signature)

L.O.

By consent, date changed to 26th February, 2016.

(Signature)
05.02.16

(R.B. Malik)
Member (J)
05.02.2016

(Signature)
(Rajiv Agarwal)
Vice-Chairman
05.02.2016

(skw)