

**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> 7/8/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt.: S.P. Manchekar Advocate for the Applicant Shri/Smt.: K.B. Bhise C.P.O./P.O. for the Respondent/s</p> <p>Ad. To: O.A. is disposed as withdrawn with liberty as sought.</p> <p align="right">BTE</p>	<p>Date : 07.08.2017.</p> <p align="center">O.A.No.1132 of 2016 (Subject : Promotion)</p> <p>A.M. AtramApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Ms. S.P. Manchekar, the learned Advocate for the Applicant states as follows :-</p> <p>(a) Government has granted a deemed date to the Applicant,.</p> <p>(b) The Applicant wants to decide whether to agitate any grievance in regard to the date assigned.</p> <p>(c) Therefore, Applicant wants to withdraw the present O.A. with liberty to agitate the questions, if any, which may remain in suitable manner.</p> <p>3. O.A. is disposed as withdrawn with liberty as sought.</p> <p align="right">Sd/- (A.H. Joshi) Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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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>2/8/17</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)A</p> <p>APPEARANCE: Shri/Smt.: <u>R.M. Kolge</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 <u>21/8/2017</u></p> <p align="right"><i>File</i></p>	<p>Date : 07.08.2017.</p> <p align="center">O.A.No.390 of 2017</p> <p>G.B. TambatApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Shri K.B. Bhise, the learned Presenting Officer for the Respondents prays for two week's time for filing affidavit-in-reply furtherance/ in compliance to the order passed on 10.07.2017.</p> <p>3. Time granted as prayed.</p> <p>4. S.O. to 31.08.2017.</p> <p align="right">Sd/- (A.H. Joshi J.) Chairman</p> <p>prk</p>

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Tribunal's orders

**M.A.185 & 186/2017 in O.As.364 &
365/2017**

Mr. S.G. Warkhede & Anr. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

These two Applications for condonation of delay in bringing the OAs in a disciplinary proceedings related matter are being disposed of by this common order.

I have perused the records and proceedings and heard Mr. C.T. Chandratre, the learned Advocate for the Applicants and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

The tabulated form in Para 2 shows that the orders of punishment came to be made on 20.3.2012. An appeal thereagainst was preferred on 3.5.2012 which was dismissed on 24.12.2012 and whereagainst a Revision was filed which came to be rejected on 25.9.2013. A Review Application came to be dismissed on 18.1.2014. In the meanwhile, a co-delinquent moved Aurangabad Bench of this Tribunal by way of OA 542/2014 where he ultimately got success. On 24.12.2016, the Applicant moved to the concerned authority with a request to decide his appeal in the light of the above referred OA. Mr. Chandratre told me that, it apparently appears that there was no delay in the above factual matrix. However, even if the delay was there, it would be in the form of awaiting for the decisions of the proceedings which are adopted. Smt. Gaikwad, the learned PO while strongly objecting to the grant of these MAs told me that the Applicants were clearly informed that the second appeal against the appellate order did not lie, and therefore, their case that they waited and waited does not inspire confidence. Now, no doubt the submission of the learned PO is thought provoking but then proceedings in the nature of revision and review have got a different hue when compared with appeal, and therefore, if the Applicants who were Jail

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Guards kept waiting for the outcome of their proceedings, I do not think, they could be visited with the serious consequences of having to go unheard. After-all, there cannot be any delay in absence of some lack of diligence. The issue is as to whether the conduct was so contumacious as to deprive the concerned litigant an opportunity of being heard by the judicial forum. No doubt, some inconvenience is bound to be caused to the adversary, but if the said inconvenience is capable of being set at naught by the award of cost, then the scale would be evenly balanced and the applications can be allowed.

Subject to the cost condition precedent of Rs.2000/- each of these matters (Rs.4000/- in all) payable within four weeks from today by way of deposit in the office of this Tribunal, the delay stands hereby condoned and the OA shall be heard on merit. The Applicant and the Office of this Tribunal are directed to process the matters further and get them placed before the appropriate Bench for disposal according to law. The MAs are allowed with this with no further orders.

Sd/-

(R.B. Malik) 7-8-17
Member (J)
07.08.2017

DATE: 7/8/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. C.T. Chandrasekhar

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Adj. to M. As. are allowed.

O. As. are

Adj. to 5/9/17.

(skw)

Office Notes, Office Memoranda of Coram,
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Tribunal's orders

Date : 07-08-2017.

O.A.No.722 of 2017

M.N. Pastapure & Ors.

....Applicants.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 11.09.2017.

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

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.

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. Applicants are directed to file Affidavit of compliance and notice.

7. S.O to 11.09.2017.

Sd/-

(A.H. Joshi J.)
Chairman

DATE: 7/8/2017

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. : S.P. Manchekar

Advocate for the Applicant

Shri /Smt. : A.J. Chougule

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

Adj. To: 11/9/2017

BTE

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.251 of 2014
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Smt. S.N. Naik & Anr. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri U.V. Bhosale, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO states on instructions as follows:

अ. क्र.	निर्णयासाठी आवश्यक बाबी	लागणारा अंदाजित कालावधी
1	प्रतिवादी क्र.२ धर्मादाय आयुक्त यांच्याकडून प्रतिवादी क्र.१ शासनास कर्मचाऱ्यांची माहिती प्राप्त झाल्यानंतर प्रस्तावाची छाननी, सामान्य प्रशासन विभागाचे अभिप्राय, विधि विषयक सल्ला घेवून शासनाची मान्यता घेणे व घेतलेला निर्णय प्रतिवादी क्र.२ धर्मादाय आयुक्त यांना अवगत करणे इत्यादी कार्यवाही करण्यासाठी लागणारा कालावधी.	३ महिने
२	प्रतिवादी क्र.२ धर्मादाय आयुक्त यांच्याकडून श्रीम. नाईक यांना मानीव दिनांक देण्याचा प्रस्ताव प्रतिवादी क्र.१ शासनास प्राप्त झाल्यानंतर कार्यवाही करणे.	१ महिना

3. In view of the foregoing, S.O. to 5.3.2018.

Sd/-

(A.H. Joshi, J)
Chairman
7.8.2017

(sgj)

DATE: 7/8/2017

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. U.V. Bhosale

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

Adj. To 5/3/2018

sgj

Office Notes, Office Memoranda of Coram,
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Tribunal's orders
Date : 07.08.2017.

O.A.No.605 of 2017

P.S. LomateApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

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

(a) Letter dated 01.08.2017 is received from the office of Respondent No.3, the Additional Director General Police and Inspector General of Jail, Pune, stating that four week's time is required for collecting information.

(b) Text of letter shows total lack of responsible behaviour.

3. The Additional Director General Police and Inspector General of Jail, Pune is directed to file his own affidavit-in-reply explaining and narrating :-

(a) Date when notice of this Tribunal was received in the office of the Respondent No.3.

(b) What steps were taken to collect the information which was prayed after the receipt of notice of O.A..

(c) Why was the information not collected punctually ?

(d) Why he should not be personally saddled with costs of Rs.10,000/- for failure to attend to the case and answer query isolated in the earlier order dated 03.07.2017 passed by the Tribunal.

4. Affidavit-in-reply be filed on or before 24.08.2017.

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

6. S.O. to 24.08.2017.

DATE: 28/8/2017

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. : Punam Mahajan

Advocate for the Applicant

Shri/Smt. : K.S. Gaikwad

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

Adj. To: 24/8/2017

[Signature]

Sd/-

(A.H. Joshi J.)
Chairman

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Date : 07.08.2017.

M.A.No.318 of 2017 in O.A.No.699 of 2017

A.B. KalyankarApplicants.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri G.K. Kshirsagar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned 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/-

(A.H. Joshi J.)
Chairman

prk

DATE: 7/8/2017

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. G.K. Kshirsagar

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Obj. To: MA is allowed.

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>7/8/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>G.K. Kshirsagar</u> Advocate for the Applicant Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondent/s</p> <p>By No. <u>23/8/2017</u> Hamdast is allowed. <i>etc</i></p>	<p>Date : 07.08.2017.</p> <p>O.A.No.699 of 2017</p> <p>A.B. KalyankarApplicants. Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri G.K. Kshirsagar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. Applicants are issued hall tickets, except Applicant No.2.</p> <p>3. Names of all applicants, except Applicant No.2 be deleted as the cause of action ceases to exist in regard to them.</p> <p>4. Applicant No.2 is not eligible, but has filed present O.A., hence he is put to notice that if O.A. is required to be contested he would be saddled with costs of Rs.50,000/-, and for that purpose he should deposit, by way of security for costs, an amount of Rs.25,000/- for the present in this Tribunal, within seven days from today. In case amount is not deposited the O.A. shall stands dismissed without reference to the Tribunal.</p> <p>5. S.O. to 23.08.2017, if deposited is made.</p> <p>6. Hamdast and steno copy is allowed.</p> <p style="text-align: right;"><i>(Signature)</i> Sd/- (A.H. Joshi J.) Chairman</p> <p>prk</p>


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<p>DATE: 2/8/2017</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)A</p> <p>APPEARANCE: Shri/Smt. <u>M.D. Lonkar and Shri A.V. Sakolkar, Ld. Advocates</u> Advocate for the Applicant <u>are appointed as amicus to represent the case</u> Shri/Smt. <u>.....</u> C.P.O./P.O. for the Respondent's of appl.</p> <p>Adj. To <u>Shri A.J. Chougule</u> P.O. for Resps. S.O. to 6/9/2017</p> <p style="text-align: right;"><i>HJE</i></p>	<p style="text-align: center;"><u>O.A. No.509 of 2014</u></p> <p>Shri A.G. Shelar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Shri M.D. Lonkar and Shri Sakolkar, Ld. Advocates are appointed as amicus to represent the case of applicant.</p> <p>3. S.O. to 6.9.2017.</p> <div style="text-align: right;">  Sd/- (A.H. Joshi, J.) Chairman 7.8.2017 </div> <p>(sg)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>28/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</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 In view of this statement Adj-To <u>M.A. is disposed.</u></p>	<p>Date : 07.08.2017.</p> <p>M.A.No.283/2017 in O.A.No.517/2017 (O.A.No.15/2016) with M.A.No.284/2017 in O.A.No.518/2017 (O.A.No.41/2016) with M.A.No.285/2017 in O.A.No.519/2017 (O.A.No.55/2016) with M.A.No.286/2017 in O.A.No.520/2017 (O.A.No.282/2016) with M.A.No.287/2017 in O.A.No.521/2017 (O.A.No.311/2016) with M.A.No.313/2017 in O.A.No.569/2017 (O.A.No.673/2016) (Aurangabad Bench)</p> <p>J.P. More (M.A.No.283/2017 in O.A.No.517/2017) D.N. Kalai & Ors. (M.A.No.284/2017 in O.A.No.518/2017) K.K. Pehera (M.A.No.285/2017 in O.A.No.519/2017) P.B. Dhawale (M.A.No.286/2017 in O.A.No.520/2017) A.B. Bhoge (M.A.No.287/2017 in O.A.No.521/2017) S.B. Patil (M.A.No.313/2017 in O.A.No.569/2017)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. Shri K.R. Jagdale, the learned Advocate for the Applicants states that the applicants are appointed on the contract basis and they have joined.</p> <p>3. In view of this statement, M.A. is disposed.</p> <p style="text-align: right;">Sd/- (A.H. Joshi/J.) Chairman</p> <p>prk</p>

(G.C.P.) J 2280(B) (50,000-2-2015)

(Spl.- MAT-F-2 E.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p>DATE: <u>2/8/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)</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><u>3/10/2017</u></p> <p align="right"><i>Bhise</i></p>	<p>Date : 07.08.2017.</p> <p align="center">O.A.No.517/2017 (O.A.No.15/2016) with O.A.No.518/2017 (O.A.No.41/2016) with O.A.No.519/2017 (O.A.No.55/2016) with O.A.No.520/2017 (O.A.No.282/2016) with O.A.No.521/2017 (O.A.No.311/2016) with O.A.No.569/2017 (O.A.No.673/2016) (Aurangabad Bench)</p> <p>J.P. More (O.A.No.517/2017) D.N. Kalal & Ors. (O.A.No.518/2017) K.K. Pehere (O.A.No.519/2017) P.B. Dhawale (O.A.No.520/2017) A.B. Bhoge (O.A.No.521/2017) S.B. Patil (O.A.No.569/2017)</p> <p align="right">....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. S.O. to 31.10.2017.</p> <p align="right">Sd/- <i>(A.H. Joshi)</i> Chairman</p> <p>prk</p>

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Tribunal's orders

O.A.738/2017

Mr. A.B. Mane ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Mr. N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Issue notice returnable on 04.09.2017.

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 4th September, 2017.

Sd/-

(R.B. Malik) 7-8-17
Member (J)
07.08.2017

DATE: 7/8/17

CORAM:

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

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

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 4/9/17.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p><u>DATE:</u> 7/8/17</p> <p><u>CORAM:</u> Shri. RAJIV AGARWAL (Vice-Chairman) Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u> Shri. A.V. Bandiwadekar Advocate for the Applicant Shri/Smt. Ms. S. Suryawanshi C.P.O./P.O. for the Respondents</p> <p>Adj. To S.O to 21/8/17</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A.739/2017</u></p> <p>Mr. S.N. Pophale ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>The learned PO is being instructed by Mr. A.H. Sabale, Jr. Clerk, C.P, Thane. The scope of the final order and the interim relief is practically the same. The facts are such wherein my opinion, hearing of the OA can be expedited and the Respondents must, therefore, file their Affidavit-in-reply positively without fail on the day it is appointed for which will be the next date. If no recovery has been made so far from the monthly pension of the Applicant, no action should be made until further orders. OA stands adjourned for Affidavit-in-reply to 21st August, 2017.</p> <p style="text-align: center;">S.O. to 21st August, 2017.</p> <p style="text-align: right;">Sd/- (R.B. Malik) 7-8-17 Member (J) 07.08.2017</p> <p style="text-align: center;">(skw)</p>

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<p>DATE: <u>7/8/17</u></p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE: Shri/Smt. A.V. Bandiwadekar Advocates for the Applicant Shri/Smt. Ms. S. Suryawanshi C.P.O./P.O. for the Respondents No.1. Mr. Adsule for R.No.2.</p> <p>Ad. To Affidavit filed by Applicant. O.A. is dismissed. Hamdast.</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A.376/2017</u></p> <p>Mr. S.D. Todankar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Applicant with Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant, Ms. S. Suryawanshi, the learned Presenting Officer for Respondent No.1 and Mr. Adsule, the learned Advocate for Respondent No.2.</p> <p>The Applicant's Affidavit dated 7th August, 2017 is taken on record and in view thereof, the OA is dismissed for want of prosecution with no order as to costs. Hamdast.</p> <p style="text-align: right;">Sd/- <u>(R.B. Malik)</u> 07.08.17 Member (J) 07.08.2017</p> <p style="text-align: center;">(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

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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: <u>7/8/17</u></p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri/Smt. <u>M. D. Lonkar</u> Advocate for the Applicant Shri/Smt. <u>A. B. Kololgi</u> C.P.O./P.O. for the Respondents <u>S.O. to 11/8/17</u></p>	<p align="center"><u>O.A.732/2017</u></p> <p>Mr. T.H. Dhekale & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. M.D. Lonkar, the learned Advocate for the Applicants and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>Issue notice returnable on 11th August, 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 11th August, 2017.</p> <p align="right">Sd/- <u>(R.B. Malik) 7-8-17</u> Member (J) 07.08.2017</p> <p>(skw)</p>

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M.A.333/2017 in O.A.732/2017

Mr. T.H. Dhekale & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Mr. M.D. Lonkar, the learned Advocate for the Applicants and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

Sd/-

(R.B. Malik) 7.8.17
Member (J)
07.08.2017

(skw)

DATE: 7/8/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. A.B. Kololgi

C.P.O. for the Respondents

Adj. To M.A. is allowed.

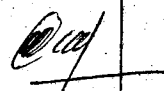
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p>DATE: <u>7/8/17</u></p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri/Smt. <u>A.V. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>A.J. Chougule</u> C.P.O./P.O. for the Respondents Adj. To <u>S.O. to 21/8/17</u> </p>	<p style="text-align: center;"><u>O.A.667/2017</u></p> <p>Mr. J.B. Girase ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. A.V. Bandiwadkar, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>The dispute herein relates to the date of birth. The Applicant made a representation on 30.1.1986 (Exh. 'G', Page 30 of the Paper Book (PB)) and then on 23rd September, 2015 (Exh. 'I', Page 35 of the PB). The OA is kept pending and the Respondents are directed to consider and decide the representation dated 23.9.2015 within a period of one week from today and communicate its outcome to the Applicant within a period of three working days therefrom.</p> <p style="text-align: center;">S.O. to 21st August, 2017.</p> <p style="text-align: right;">Sd/- <u>(R.B. Malik) 7-8-17</u> Member (J) 07.08.2017</p> <p style="text-align: center;">(skw)</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: 7/8/17</p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri/Smt. : Punam Mahajan Advocates for the Applicant Shri/Smt. : K.B. Bhise C.P.O/P.O. for the Respondents</p> <p>Adj. To S.O. to 14/8/17. Hamdast</p>	<p><u>O.A.711/2017</u></p> <p>Mr. H.T. Zirawal ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mrs. Punam Mahajan, the learned Advocate for the Applicant and Mr. K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>Mr. Bhise is being instructed by Shri P.R. Shinde, Section Officer, Revenue & Forest Department, Mantralaya, Mumbai.</p> <p>Mr. Bhise informs on instructions from the above named Officer that the posting will be given to the Applicant within one week. This statement is treated as an undertaking and the OA stands adjourned to 14th August, 2017. Hamdast.</p> <p style="text-align: right;">Sd/- (R.B. Malik) 7-8-17 Member (J) 07.08.2017</p> <p>(skw)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>7/8/17</u></p> <p>CORAM: Shri. Shri. RAJIV AGARWAL (Vice-Chairman) Shri. Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri/Smt. C.T. Chandratre Advocate for the Applicant Shri/Smt. Ms. S. Suryawanshi C.P.O.T.P.O. for the Respondents</p> <p>Adj. To <u>5/9/17</u> Hamdast.</p> <p style="text-align: right;"><i>@caj</i></p>	<p style="text-align: center;"><u>O.A.733/2017</u></p> <p>Mr. A.G. Khairnar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. C.T. Chandratre, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>The learned PO is being instructed by Mr. V.B. Suryawanshi, Sr. Assistant, Minor Irrigation (E), Z.P, Nashik.</p> <p>After hearing both the sides, I think, without getting darwn into the avoidable details, the interim relief as prayed for in Paras 10(a) and (b) can safely be granted.</p> <p>The Applicant retired in 2012 and there is no reason why his GIS and Leave Encashment could not have been cleared by now. That in so far as Prayer Clause (b) is concerned. As far as Prayer Clause (a), a DE which is pending for a long period of time, I am informed, is now only awaiting making of the final order and for that, directions can appropriately be given and the details of the DE are as mentioned in Prayer Clause 10(a). As and by way of interim relief, I hereby direct the Respondents to make sure that, final order on the charge-sheet No. EGS/PR/876/2003, dated 4.1.2003 be completed in all respect including the communication thereof to the Applicant within a period of four weeks from today and the result be communicated to the Applicant within one week thereafter. The GIS and Leave Encashment of the Applicant be also paid over within the said period of four weeks.</p> <p>The OA stands adjourned to Affidavit-in-reply to 5th September, 2017. Hamdast.</p> <p style="text-align: right;">Sd/- <u>07.08.17</u> (R.B. Malik) Member (J) 07.08.2017</p> <p>(skw)</p>

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Cont. A. No 09/17
In.
O A. No 1067/15

DATE: 7/8/17

CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:
Shri/Smt. : None for the app.

Advocate for the Applicant
Shri /Smt. : N.K. Rajwarhit
C.P.O / P.O. for the Respondent/s

Adj. To Adjourned sine die.

BJE

Adjourned sine die,
in view of stay of present
proceedings by Hon'ble
High Courts




Sd/-
A.H. Joshi
7/8/2017

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<p>DATE: <u>7/8/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramakrishna (Member)-A</p> <p>APPEARANCE: Shri/Smt. : <u>S. Chinappa</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>24/8/2017</u></p> <p style="text-align: right;"><i>prk</i></p>	<p>Date : 07.08.2017.</p> <p style="text-align: center;">O.A.No.160 of 2017</p> <p>Dr. B.S. PaigudeApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. Chinappa, the learned Advocate for the Applicant, Ms. S. Suryawanshi, the learned Presenting Officer for the Respondent No.1 and Smt. V.K. Jagdale, the learned Advocate for Respondent No.2. 2. In the midst of hearing, learned Advocate for the Applicant prays for leave to amend by substituting the O.A., add annexures and substitute the index and synopsis. 3. Leave to amend, add and substitute is granted. 4. S.O. to 24.08.2017. <p style="text-align: right;">  Sd/- (A.H. Joshi) Chairman </p> <p style="text-align: center;">prk</p>

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O.A. No.634 of 2017

Shri S.D. Sutar & Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate
for the Applicants and Shri K.B. Bhise, learned
Presenting Officer for the Respondents.

2. Time for carrying out amendment is enlarged by
one week.

3. S.O. to 16.9.2017.

DATE: 7/8/2017

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. : C.T. Chandratre

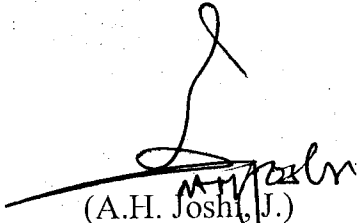
Advocate for the Applicant

Shri /Smt. : C.T. Chandratre

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

Adj. To.....16/9/2017.....

(sgj)


(A.H. Joshi, J.)
Chairman
7.8.2017

13/9/17
C.T.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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IN

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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: <u>7/8/17</u></p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE: Shri/Smt. : <u>R.M. Kolge</u> Advocate for the Applicant Shri/Smt. : <u>A.B. Kololgi</u> C.P.O./P.O. for the Respondents</p> <p><u>Adj. To O.A. is admit.</u> <u>So. to 4/9/17.</u></p> <p><i>FH</i> <i>[Signature]</i></p>	<p align="center"><u>O.A.532/2017</u></p> <p>Mr. V.V. Gaikwad ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. R.M. Kolge, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>Mr. Kolge, the learned Advocate for the Applicant informs that the Applicant do not want to file Rejoinder. Admit. <u>Admit.</u></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.</p> <p>This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. 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 align="right">S.O. to 4th September, 2017. <i>for hearing.</i></p> <p align="right"><i>[Signature]</i> (R.B. Malik) 7.8.17 Member (J) 07.08.2017</p> <p align="center">(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p>DATE: <u>7/8/17</u></p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri/Smt. <u>R.M. Kolge</u> Advocate for the Applicant Shri/Smt. <u>A.B. Kololgi</u> C.P.O./P.O. for the Respondents <u>O.A. is admitted.</u> <u>Adj. to S.O. to 4/9/17.</u></p> <p style="text-align: right;"><i>FH</i> <u>[Signature]</u></p>	<p style="text-align: center;"><u>O.A.266/2017</u></p> <p>Mr. B.P. Shinde ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. R.M. Kolge, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>Mr. Kolge, the learned Advocate for the Applicant undertakes to file Rejoinder during the course of the day. On this statement, the OA is admitted and appointed for final hearing on 4th September, 2017. The Sur-rejoinder, if any, must be filed on that day and not thereafter.</p> <p style="text-align: center;">S.O. to 4th September, 2017.</p> <p style="text-align: right;"><u>[Signature]</u> (R.B. Malik) 7-8-17 Member (J) 07.08.2017</p> <p style="text-align: center;">(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p>DATE: <u>7/8/17</u></p> <p>CORAM: Shri. Shri. RAJIV AGARWAL (Vice-Chairman) Shri. Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri/Smt. <u>M. D. Lonkar</u> Advocate for the Applicant Shri/Smt. <u>Ms. S. Suryawanshi</u> C.P.O./P.O. for the Respondents Reply filed by P.No. 2. Adj. To <u>O.A. is admitted;</u> <u>S.O. to 29/8/17.</u></p> <p style="text-align: right;"><i>FH</i> <i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A.612/2017</u></p> <p>Mr. R.M. Patil ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. R.M. Lonkar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>Affidavit-in-reply is taken on record. Mr. Lonkar submits that the Applicant do not want to file Rejoinder. The OA is admitted and appointed for final hearing on 29th August, 2017.</p> <p style="text-align: right;"><i>[Signature]</i> (R.B. Malik) 7-8-17 Member (J) 07.08.2017</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p>DATE: 7/8/17</p> <p>CORAM: Shri. RAJIV AGARWAL (Vice-Chairman) Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri/Smt. M. B. Kadam Advocate for the Applicant Shri/Smt. A. J. Chougule C.P.O/P.O. for the Respondents O.A. is admitted.</p> <p>Adj. To S.O. to 28/8/17.</p> <p style="text-align: right;">FH</p>	<p style="text-align: center;"><u>O.A.565/2017</u></p> <p>Mr. S.B. Shindhe ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. M.B. Kadam, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>The request for grant of further time to file reply is rejected because last chance was already given. The OA is admitted and appointed for final hearing making it clear that, on that day, if the Affidavit-in-reply will be filed, it will be taken on record but no adjournment will be sought.</p> <p>S.O. to 28th August, 2017.</p> <p style="text-align: right;">(R.B. Malik) 7-8-17 Member (J) 07.08.2017</p> <p style="text-align: center;">(skw)</p>

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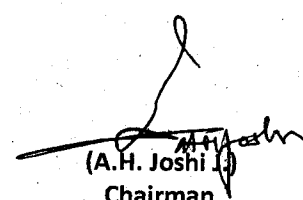
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<p>DATE: <u>7/8/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)</p> <p>APPEARANCE: Advocate for the Applicant: <u>S.P. Manchekar</u> Sri/Smt: <u>A.J. Chougule</u> C.P.O./P.O. for the Respondents: _____</p> <p>Adj. To: <u>M.A. is allowed.</u></p> <p style="text-align: right;"><i>prk</i></p>	<p>Date : 07.08.2017.</p> <p>M.A.No.327 of 2017 in O.A.No.722 of 2017</p> <p>M.N. Pastapure & Ors.Applicants. Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned 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. <p style="text-align: right;">  (A.H. Joshi J.) Chairman </p> <p>prk</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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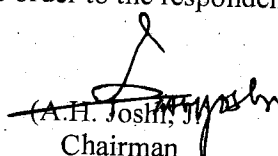
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>2/8/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri/Smt. : <u>S.P. Manchekar</u> Advocate for the Applicant Shri /Smt. : <u>S.S. Dere Ld. Adv.</u> C.P.O./P.O. for the Respondent/s Ho.J. <u>Shri V.P. Potbhare Ld. Adv. for</u> <u>Adj. To R.No. 2</u> <u>Shri R.D. Murkute Ld. Adv.</u> <u>for R.No. 3.</u> <u>S.O. to 22/8/2017.</u></p> <p style="text-align: right;"><u>BKE</u></p>	<p>Date : 07.08.2017.</p> <p style="text-align: center;">O.A.No.209 of 2017</p> <p>B.S. ChaudhariApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri S.S. Dere, the learned Presenting Officer for the Respondent No.1, Shri V.P. Potbhare, the learned Advocate for Respondent No.2 and Shri R.D. Murkute, the learned Advocate for Respondent No.3. 2. Shri S.S. Dere, the learned Presenting Officer for the Respondent No.1 appearing for M.P.S.C. prays for time till 22.08.2017 for filing reply. 3. Time granted as prayed. 4. S.O. to 22.08.2017. <p style="text-align: right;">  (A.H. Joshi) Chairman </p> <p>prk</p>

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<p>DATE: <u>7/8/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri/Sec. <u>B.A. Bandiwadekar</u> Advocate for the Applicant Shri/Sec. <u>K.B. Bhise</u> C.P.U./E.C. for the Respondent/s</p> <p>Adj. To <u>31/10/2017.</u> <u>Steno copy & Hamdast</u> <u>is allowed.</u></p> <p style="text-align: right;"><i>B.A.</i></p>	<p><u>O.A. No.14 of 2017</u></p> <p>Shri P.K. Pimple & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states on instructions from Commissioner of Police, Mumbai as follows:</p> <p>(i) If Applicants withdraw the appeal filed by them against the order dated 5.9.2015 the C.P. Mumbai would consider the text of present OA as a representation and decide as to applicants' grievance.</p> <p>3. Shri Bandiwadekar, Ld. Advocate for the Applicants state that applicants would submit application before the Government for withdrawal of appeal and furnish its copy to C.P.</p> <p>4. Ld. PO states that after applicants submit their plea for withdrawal of appeal, the representations would be decided within four weeks thereafter.</p> <p>5. S.O. to 31.10.2017.</p> <p>6. Steno copy and hamdast is allowed. Ld. PO is directed to communicate this order to the respondents.</p> <p style="text-align: right;">  (A.H. Joshi, J) Chairman 7.8.2017 </p> <p>(sgj)</p>

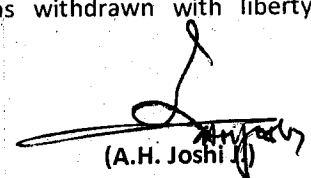
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 7/8/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A.</p> <p><u>APPEARANCE:</u> Shri/Smt.: S.P. Manchekar Advocate for the Applicant Shri/Smt.: K.B. Bhise C.P.O./P.O. for the Respondent/s</p> <p>Ad. To: OA is disposed as withdrawn with liberty as sought</p> <p align="right">BTE</p>	<p>Date : 07.08.2017.</p> <p align="center">O.A.No.1132 of 2016 (Subject : Promotion)</p> <p>A.M. AtramApplicant. Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Ms. S.P. Manchekar, the learned Advocate for the Applicant states as follows :-</p> <p>(a) Government has granted a deemed date to the Applicant.</p> <p>(b) The Applicant wants to decide whether to agitate any grievance in regard to the date assigned.</p> <p>(c) Therefore, Applicant wants to withdraw the present O.A. with liberty to agitate the questions, if any, which may remain in suitable manner.</p> <p>3. O.A. is disposed as withdrawn with liberty as sought.</p> <p align="right">  (A.H. Joshi) Chairman </p> <p>prk</p>

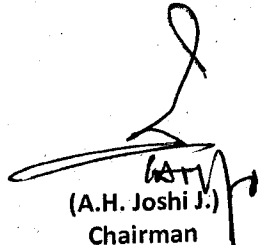
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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><u>DATE:</u> <u>2/8/17</u></p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)-A</p> <p><u>APPEARANCE:</u> Shri/Smt.: <u>R.M. Kolge</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 <u>31/8/2017</u></p> <p align="right"><i>File</i></p>	<p>Date : 07.08.2017.</p> <p align="center">O.A.No.390 of 2017</p> <p>G.B. TambatApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>2. Shri K.B. Bhise, the learned Presenting Officer for the Respondents prays for two week's time for filing affidavit-in-reply furtherance/ in compliance to the order passed on 10.07.2017.</p> <p>3. Time granted as prayed.</p> <p>4. S.O. to 31.08.2017.</p> <p align="right">  (A.H. Joshi J.) Chairman </p> <p>prk</p>

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

M.A.185 & 186/2017 in O.As.364 & 365/2017

Mr. S.G. Warkhede & Anr. ... Applicants

Vs.

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

These two Applications for condonation of delay in bringing the OAs in a disciplinary proceedings related matter are being disposed of by this common order.

I have perused the records and proceedings and heard Mr. C.T. Chandratre, the learned Advocate for the Applicants and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

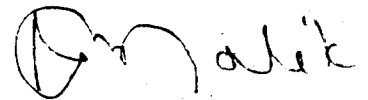
The tabulated form in Para 2 shows that the orders of punishment came to be made on 20.3.2012. An appeal thereagainst was preferred on 3.5.2012 which was dismissed on 24.12.2012 and whereagainst a Revision was filed which came to be rejected on 25.9.2013. A Review Application came to be dismissed on 18.1.2014. In the meanwhile, a co-delinquent moved Aurangabad Bench of this Tribunal by way of OA 542/2014 where he ultimately got success. On 24.12.2016, the Applicant moved to the concerned authority with a request to decide his appeal in the light of the above referred OA. Mr. Chandratre told me that, it apparently appears that there was no delay in the above factual matrix. However, even if the delay was there, it would be in the form of awaiting for the decisions of the proceedings which are adopted. Smt. Gaikwad, the learned PO while strongly objecting to the grant of these MAs told me that the Applicants were clearly informed that the second appeal against the appellate order did not lie, and therefore, their case that they waited and waited does not inspire confidence. Now, no doubt the submission of the learned PO is thought provoking but then proceedings in the nature of revision and review have got a different hue when compared with appeal, and therefore, if the Applicants who were Jail

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

Guards kept waiting for the outcome of their proceedings, I do not think, they could be visited with the serious consequences of having to go unheard. After-all, there cannot be any delay in absence of some lack of diligence. The issue is as to whether the conduct was so contumacious as to deprive the concerned litigant an opportunity of being heard by the judicial forum. No doubt, some inconvenience is bound to be caused to the adversary, but if the said inconvenience is capable of being set at naught by the award of cost, then the scale would be evenly balanced and the applications can be allowed.

Subject to the cost condition precedent of Rs.2000/- each of these matters (Rs.4000/- in all) payable within four weeks from today by way of deposit in the office of this Tribunal, the delay stands hereby condoned and the OA shall be heard on merit. The Applicant and the Office of this Tribunal are directed to process the matters further and get them placed before the appropriate Bench for disposal according to law. The MAs are allowed with this with no further orders.



(R.B. Malik) 7.8.17
Member (J)
07.08.2017

DATE: 7/8/17

CORAM:

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

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

APPEARANCE:

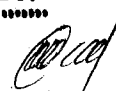
Shri/Smt. C.T. Chandrase

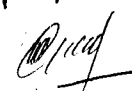
Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Adj. To M. As. are allowed.

O. As. are 

Adj. to 5/9/17. 

(skw)