

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NOS 1067, 1068, 1069 & 1070 OF 2019

DISTRICT : MUMBAI

1) ORIGINAL APPLICATION NO. 1067 OF 2019

Shri Bhimrao A. Bhingawade)
Havaldar, removed from service,)
R/o: Bldg No. 10, Room no. 34)
Railway Police Vasahat, Ghatkopar [E],)
Mumbai 400075)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032)
2. The Commissioner of Police,)
[Railways], P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
3. The Deputy Commissioner of)
Police, [Railway] [Headquarter],)
P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
4. Assistant Commissioner of)
Police [Administration],)
Office of the Commissioner of)
Police, P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)...**Respondents**

2) ORIGINAL APPLICATION NO. 1068 OF 2019

Shri Vilas B. Bansode)
Havaldar, removed from service,)
R/o: Bldg No. 10, Room no. 34)
Railway Police Vasahat, Ghatkopar [E],)
Mumbai 400075)...**Applicant**

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Versus

1. The State of Maharashtra)
Through the Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032)
 2. The Commissioner of Police,)
[Railways], P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
 3. The Deputy Commissioner of)
Police, [Railway] [Headquarter],)
P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
 4. Assistant Commissioner of)
Police [Administration],)
Office of the Commissioner of)
Police, P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
-)...Respondents

3) ORIGINAL APPLICATION NO. 1069 OF 2019

- Shri Sanjay W. Kumbhar)
Havaldar, removed from service,)
R/o: Railway Police Vasahat,)
Ghatkopar [E],)
Mumbai 400075)
-)...Applicant

Versus

1. The State of Maharashtra)
Through the Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032)
2. The Commissioner of Police,)
[Railways], P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
3. The Deputy Commissioner of)
Police, [Railway] [Headquarter],)
P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)

4. Assistant Commissioner of)
 Police [Administration],)
 Office of the Commissioner of)
 Police, P.D Mello Road,)
 Vadi Bandar, Mumbai [E],)
 Mumbai.)...**Respondents**

4) ORIGINAL APPLICATION NO. 1070 OF 2019

- Shri Vilas Madhukar Algat)
 Havaladar, removed from service,)
 R/o: 22/48,Railway Police Vasahat,)
 Ghatkopar [E],)
 Mumbai 400075)...**Applicant**

Versus

1. The State of Maharashtra)
 Through the Secretary,)
 Home Department, Mantralaya,)
 Mumbai 400 032)
2. The Commissioner of Police,)
 [Railways], P.D Mello Road,)
 Vadi Bandar, Mumbai [E],)
 Mumbai.)
3. The Deputy Commissioner of)
 Police, [Railway] [Headquarter],)
 P.D Mello Road,)
 Vadi Bandar, Mumbai [E],)
 Mumbai.)
4. Assistant Commissioner of)
 Police [Administration],)
 Office of the Commissioner of)
 Police, P.D Mello Road,)
 Vadi Bandar, Mumbai [E],)
 Mumbai.)...**Respondents**

Shri C.T Chandratre, learned advocate for the Applicants.

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

CORAM : **Shri A.P Kurhekar (Member) (J)**

DATE : **08.11.2019**

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ORDER

1. Heard Shri C.T Chandratre, learned advocate for the Applicants and Shri A.J Chougule, learned Presenting Officer for the Respondents.
2. These Original Applications are filed for limited relief of protection of their possession over the quarters allotted to them during the period of service, till disposal of appeal filed by them.
3. All these applicants are Police Havaldar and departmental enquiry was initiated against them. In O.A no 1067/2019, 1068/2019 and 1069/2019, applicants were removed from service by order dated 1.7.2019, 19.8.2019 and 1.7.2019 respectively, where in O.A 1070/2019, the applicant was dismissed from service by order dated 16.8.2019.
4. Being aggrieved by the punishment, the applicants have filed appeal before Respondent no. 1 and the same is subjudice.
5. The applicants are in occupation of Police Quarters. By order dated 26.9.2019, the applicants were informed that in view of their removal/dismissal from service, they can continue in possession of quarters up to 31.12.2019 only subject to payment of necessary charges and their possession onwards 1.1.2020 would be unauthorized.
6. Learned counsel for the applicants has tendered copy of order dated 2.11.2019 which is taken on record and marked as 'X' to show that there is threat of immediate dispossession from the Police Quarters and therefore, he seeks protection.
7. Learned Counsel for the applicants submit that his clients are ready to deposit necessary charges with the department for their occupation of quarters till 31.12.2019. The same is accepted.

8. As the applicants are prima facie entitled to retain possession for three months, their possession needs to be protected in view of immediate threat of dispossession.

9. In view of the above, interim protection for immediate dispossession of quarters of the applicants is granted till 31.12.2019 subject to payment of necessary charges with the department.

10. As the Original Applications are filed for very limited relief, this can be disposed of with suitable directions.

11. Respondent no. 1 is directed to dispose of the appeals filed by the applicants, preferably on or before 31.12.2019.

12. Original Applications stand disposed of with no order as to costs. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.

Sd/-

(A.P Kurhekar)
Member (J)

Place : Mumbai
Date : 08.11.2019
Dictation taken by : A.K. Nair.

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><u>08.11.2019</u></p> <p><u>O.A 446/2019</u></p> <p>Smt F.M.Y Patel ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri R.M Kolgeave, learned advocate for the applicant and Shri S.D Dole, learned Presenting Officer for the Respondents.</p> <p>2. Sur-rejoinder filed by Respondent no. 1 and reply filed by Respondent no. 3 is taken on record.</p> <p>3. Adjourned to 20.11.2019.</p> <p style="text-align: right;">Sd/- (A.P Kurhekar) Member (J)</p> <p>Akn</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 : 08.11.2019</p> <p>O.A.No.923 of 2019</p> <p>Dr. D.S. DatkarApplicant. Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for the Respondent No.1 and Shri G.A. Bandiwadekar and Shri C.T. Chandratre, learned Advocates for the Respondents No.2.</p> <p>2. Today learned P.O, Smt. K.S. Gaikwad has filed affidavit-in-reply on behalf of Respondent No.1 and learned Advocate Shri G.A. Bandiwadekar has filed affidavit-in-reply on behalf of Respondent No.2. Both are taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. Adjourned to 26.11.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</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 : 08.11.2019</p> <p>O.A.No.922 of 2019</p> <p>A.D. DesaleApplicant. Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. for the Respondents has filed affidavit-in-reply. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission.</p> <p>4. Adjourned to 14.11.2019.</p> <p style="text-align: right;">N 17 Sd/- V (A.P. Kurhekar) Member(J)</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.11.2019</p> <p>O.A.No.793 of 2019</p> <p>D.P. NagareApplicant. Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission returnable on 06.12.2019.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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.</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. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. 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>8. S.O. to 06.12.2019.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member(J)</p> <p>prk</p>

**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 : 08.11.2019</p> <p>M.A.No.400 of 2019 in O.A.No.745 of 2019</p> <p>G.K. GaikwadApplicant. Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. for the Respondents has filed affidavit-in-reply in M.A. It is taken on record.</p> <p>3. Adjourned for hearing on 21.11.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.11.2019</p> <p>M.A.No.185 of 2019 in O.A.No.347 of 2019</p> <p>P.A. GangardeApplicant. Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. This an application for condonation of delay of 1 year and 6 months for filing the O.A., wherein relief is claimed for appointment made on Compassionate Ground. 3. The name of mother of the Applicant was taken in waiting list but on attaining the age of 40 years her name was deleted, therefore applicant has made application on 08.09.2016 for appointment on compassionate ground but the same is rejected by impugned order dated 26.09.2019, on the ground that there is no provision of substitution of heir in waiting list. 4. In M.A. notices were issued to the Respondents by the order dated 08.04.2019 and enough time is availed to file reply. However no reply is filed. 5. Today, learned P.O. for the Respondents again requested for grant of time. However, I am not inclined to grant further time as already enough time is availed. 6. The matter pertains to the appointment on compassionate ground and therefore considering the cause I think it is appropriate to decide the O.A. on merit by condoning the delay caused in filing the O.A. 7. M.A. is therefore allowed. Delay is condoned. <p style="text-align: right;">Sd/- w~ (A.P. Kurhekar) Member(J)</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.11.2019</p> <p>O.A.No.347 of 2019</p> <p>P.A. GangardeApplicant. Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In this O.A., M.A. for condonation of delay is allowed and therefore notices are required to be issued for decision of O.A. on merit.</p> <p>3. Issue notice before admission returnable on 06.12.2019.</p> <p>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>9. S.O. to 06.12.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

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..... Respondent/s

(Presenting Officer.....)

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	<p>Date : 08.11.2019</p> <p>M.A.No.596 of 2019 in O.A.No.871 of 2019</p> <p>S.H. PawraApplicant. Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G.T. Kanchanpurkar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. O.A.No.871/2019 was dismissed in default for non-compliance of conditional order of collection of notices within three days from the date of issuance of order. Applicant has, therefore, filed the present M.A. for restoration.</p> <p>3. For the reasons stated in M.A., O.A. is restored to the original file. M.A. is accordingly disposed of with no order as to costs.</p> <p style="text-align: right;">^ Sd/- ^ (A.P. Kurhekar) Member(J)</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 08.11.2019</p> <p>O.A.No.871 of 2019</p> <p>S.H. PawraApplicant. Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri G.T. Kanchanpurkar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. was earlier dismissed in default for non-compliance of conditional order but the O.A. is restored in pursuance of order passed today in M.A.No.596 of 2019 and therefore fresh notice is required to be issued.</p> <p>3. Issue notice before admission returnable on 06.12.2019.</p> <p>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>9. S.O. to 06.12.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</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><u>8/11/19</u> Colam - Hon'ble P.N. Dixit. (V.C.B.)</p> <p>None for the applicant. Smt K.S. Gaikwad for the Respondents.</p> <p>The matter place before division bench no order.</p> <p style="text-align: right;"><i>P</i></p>	<p><u>08.11.2019</u></p> <p><u>O.A 917/2018</u></p> <p>Shri A.R Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None for the applicant. Heard Smt K.S Gaikwad learned Presenting Officer for the Respondents.</p> <p>2. The subject matter pertains to Division Bench, hence place it before Division Bench.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A)</p> <p>Alm</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><u>08.11.2019</u></p> <p><u>O.A 398/2019</u></p> <p>Dr R.N Saapkale ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None for the applicant. Heard Smt K.S Gaikwad learned Presenting Officer holding for Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The subject matter pertains to Division Bench, hence place it before Division Bench.</p> <p style="text-align: right;">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Akn</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><u>08.11.2019</u></p> <p><u>O.A 420/2018</u></p> <p>Smt Lalita S. Mohan ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for speaking to the minutes. Para 4 of the order issued on 14.10.2019 is modified accordingly.</p> <p>"4. The Respondents shall issue notice to the Applicant before effecting recovery and consider her reply as per merits."</p> <p style="text-align: right;">Sd/- (P.N.Dixit) Vice-Chairman (A)</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT
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(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><u>08.11.2019</u></p> <p style="text-align: center;"><u>O.A 421/2018</u></p> <p>Smt Manda Y. Phalke ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for speaking to the minutes. Para 6 of the order issued on 14.10.2019 is modified accordingly.</p> <p>"6. The Respondents shall issue notice to the Applicant before effecting recovery and consider her reply as per merits."</p> <p style="text-align: right;">Sd/- (P.N Dixit) Vice-Chairman (A)</p> <p>Akn</p>