

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE : <u>9/11/2017</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. G. Panchal</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>18/12/2017</u>.....</p> <p><i>12/11/17 A.H.</i></p> <p><i>4 10/11/17 CPO Panchal</i></p> <p><i>Received R. G. Panchal for 10.11.17</i></p>	<p>Date : 09.11.2017.</p> <p>R.A.No.3 of 2017 in,O.A.No.546 of 2016</p> <p>A.L. JadhavApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri R.G. Panchal, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>2. Shri A.J. Chougule, the learned Presenting Officer for the Respondents states as follows :-</p> <p>(a) It has ^{been} noticed that crucial averments contained in R.A. are not replied.</p> <p>(b) Four week's time may be granted for filing additional affidavit-in-reply.</p> <p>3. In view of the request of learned P.O., adjourned to 18.12.2017.</p> <p style="text-align: right;"><i>λ</i> Sd/- (A.H. Joshi J.) Chairman</p> <p>prk</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.1039 OF 2017****DISTRICT: Raigad****Smt. Sheetal V. Pund****...Applicant.****Versus****The State of Maharashtra & Ors.****.....Respondents.**

Shri A.V. Bandiwadekar, the learned Advocate for the Applicant.

Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondent No. 1.

Shri M.D. Lonkar, the learned Advocate for the Respondent No. 2

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 09.11.2017.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant, Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondent No. 1 and Shri M.D. Lonkar, the learned Advocate for the Respondent No.2.
2. Issue notice before admission returnable on 28.11.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant are authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent 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 three days, and if 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.
8. Issue of interim relief is kept open.
9. Learned Advocate for applicant states that if state files reply limited to Ground Nos. 6.22 to 6.24 & 6.27 to 6.40 it shall suffice, even for final disposal.
10. Record be kept ready for perusal on next date and copy be supplied to Advocates of both sides today.
11. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.
12. S.O. to 28.11.2017.


Sd/-

(A.H. Joshi, V.)
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.**

ORIGINAL APPLICATION NO.868 OF 2017

DISTRICT : THANE

Shri Sunil C. Gawte,)
R/o. Kashibai Wadi, At. Pastal,)
Bhoisar (West).).....**Applicant**

VERSUS

1. State of Maharashtra, through)
Secretary, Public Health Dept.,)
Mantralaya, Mumbai - 400 032.)
2. Civil Surgeon, Civil Hospital,)
Tembhi Naka, Thane (W), 400601.)
3. Civil Surgeon, Civil Hospital, Palghar)
At.P. Tal. Dist. Palghar 401401.)
4. Medical Superintendent, At.P.Tal.)
Mandangad, Dist. Ratnagiri 415203.)
5. Shri Dr.Prabhakar S. Bawthankar,)
Through Civil Surgeon, Civil Hospt.)
Ratnagiri.).....**Respondents**

Shri C.T. Chandratre, the learned Advocate for the Applicant.

Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Shri B.P. Patil, Member (J)

DATE : 09.11.2017

ORDER

1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

B.P.P.

2. Learned P.O. on instructions from Shri R.B. Dhivare, Administrative Officer, Civil Hospital, Thane states that the office of Civil Surgeon, Civil Hospital, Thane has received the service book from the office of the Medical Superintendent, At. P. Tal. Mandangad, Dist. Ratnagiri on 08.11.2017. She has submitted that the Civil Surgeon, Civil Hospital, Thane undertakes to take necessary entries in the service book of the applicant and then it will send it to Civil Surgeon, Civil Hospital, Palghar within one week.

3. After taking instructions from Shri Mahendra Gavali, Office Superintendent from the office of the Civil Surgeon, Civil Hospital, Palghar as regards arrears of salary paid to the applicant, she has submitted that pay and allowances of the employees working in the hospital has not been disbursed since July, 2017 as the sanction post has not been received from the Government. She states that the authorities of Civil Surgeon, Civil Hospital, Palghar undertakes to disburse the arrears of salary of the applicant on receiving sanction to the post within one month from the date of order of the Government.

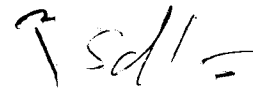
4. Learned Advocate for the applicant submits that since the respondents No.2 assures to take necessary steps for taking necessary entries in the service book of the applicant and the respondent no.3 assures that the disbursement of the arrears of salary of the applicant, the O.A. may be

20/11

disposed of with the direction to Respondent No.2 and 3 accordingly.

5. In view of the submission made by the learned Advocate for the applicant and the learned P.O. the Original Application is disposed of with a direction to Respondent No.2 Civil Surgeon, Civil Hospital, Thane to take necessary entries in the service book and send it to the office of Civil Surgeon, Civil Hospital, Palghar within one week from the date of order. The Respondent No.2 is directed to disburse the arrears of salary to the applicant within a month on receiving sanction to the temporary post from the Government. The applicant has liberty to approach the Respondent No.3 Civil Surgeon, Civil Hospital, Palghar by making a representation so far as the prayer clause 9(b) is concerned.

6. Original Application is disposed of with the above direction. No order as to costs.



(B.P. PATIL)
MEMBER (J)
09.11.2017

Date : 09.11.2017

Place : Mumbai

Dictation taken by : VSM

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

Tribunal's orders

Date : 09.11.2017.

C.A.No.41 of 2017 in O.A.No.328 of 2016

P.T. SonkambleApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states that action towards contempt may be dropped since :-

(a) Compliance of order is done.

(b) The Collector, Solapur has tendered hand written apology.

3. Applicant claims that costs and interest be awarded. Applicant's right to get interest on delayed payment has to be addressed which is not addressed.

4. Learned P.O. states that Collector, Solapur shall take steps to quantify the interest on delayed pension, in the back ground that provisional pension was commenced after one year from the date of retirement.

5. Steno copy and Hamdast is allowed to both.

6. Learned P.O. is directed to communicate this order to the Respondents.

7. S.O. to 23.11.2017.

DATE: 9/11/2017

CORAM:

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

Hon'ble Shri M. Kamleshkumar (Member) A

APPEARANCE:

Shri/Petitioner: J.N. Kamble

Advocate for the Applicant

Shri/Petitioner: S. Suryawanshi

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

Adj. To: 23/11/2017.

Steno copy and Hamdast
is allowed to both.

HT

prk

Sd/-

(A.H. Joshi J.)
Chairman

**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>DATE: <u>9/11/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri <u>D.B. Khaire</u> Advocate for the Applicant Shri <u>S.P. Manchekar</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>M.A. is disposed.</u></p> <p align="right"><i>BT</i></p>	<p align="center"><u>M.A. No.470 of 2017 in O.A. No.952 of 2017</u></p> <p>Smt. R.V. Adhav (Waghmare) ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri D.B. Khaire, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Applicant is aggrieved due to the nomenclature of applicant's designation at Mulshi during applicant's suspension, which is shown as "इंगाचो, अव्वल कारकून". Since applicant is under suspension, the narration of post and cadre shall not prejudice or alter applicant's substantive cadre.</p> <p>3. Hence, no orders necessary.</p> <p>4. MA is disposed.</p> <p align="right">Sd/- (A.H. Joshi, J.) Chairman 9.11.2017</p> <p>(sgj)</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	Tribunal's orders
<p>DATE: <u>9/11/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramachikumar (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>Miss. Ashlesha Raut</u> <u>i/b M/s. Talekar & Associates</u> Advocate for the Applicant Shri/Smt. <u>N.K. Rajpurohit</u> P.S./P.O. for the Respondents</p> <p>Adj. To <u>25/11/2017.</u></p> <p align="right"><i>BAT</i> <i>SK</i></p>	<p align="center"><u>O.A. No.337 of 2017</u></p> <p>Shri B.D. Agawane ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Miss Ashlesha Raut, learned Advocate i/b M/s. Talekar & Associates, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that two weeks time may be granted for taking decision about giving fresh consideration to applicant's request.</p> <p>3. S.O. to 25.11.2017.</p> <p align="right">Sd/- (A.H. Joshi, J.) Chairman 9.11.2017</p> <p>(sgj)</p>

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

Tribunal's orders

Date: 09.11.2017.

O.A. 610 of 2017 with O.A. 807 of 2017 to O.A. 811 of 2017 and O.A. 926 of 2017

Navnath J. Bharmale & Ors.Applicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri L.S. Deshmukh, holding for Mr. P.N. Patil the learned Advocate for the Applicant in O.A. 610/17, Shri A.V. Bandiwadekar, the learned Advocate for the Applicants in O.A. 807/17 to 811/17, Shri. R.M. Kolge, the learned Advocate for the Applicant in O.A. 926/17, Mr. D.B. Khaire, Special Counsel for Respondent No. 4 & 5 in O.A. 610/17, in O.A. 807/17 to 811/17 for Resp. No. 3 & 4, in O.A. 926/17 for Resp. No. 3 & 4 and Shri K.B. Bhise, the learned Presenting Officer for the Respondents 1 to 3 in O.A. 610/17, Resp. No. 1 & 2 in O.A. 807/17 to 811/17 and Resp. No. 1 & 2 in O.A. 926/17.

2. Mr. D.B. Khaire Special Counsel for stated that Reply of Resp. No. 4 & 5 in O.A. 610/17 and Reply of Resp. No. 3 in O.A. 807/17 to 811/17 is not necessary.

3. Shri K.B. Bhise learned P.O. seeks time to file reply.

4. Learned Advocate for the Applicant in O.A. 926/17 seeks leave to amend the prayer clause in O.A. Leave to amend is granted as prayed. Applicant shall carry out the amendment in O.A. forthwith.

5. S.O. to 23.11.2017

Sd/-
(B.P. Patil)
Member (J)

nmn

DATE: 9/11/17

CORAM:

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

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

APPEARANCE:

Shri L.S. Deshmukh holding for P.N. Patil (O.A. 610/17) / Advocate for the Applicant

A.V. Bandiwadekar (O.A. 807 to 811/17) / Shri/Smt.

P.O./P.O. for the Respondents R.M. Kolge, (O.A. 926/17)

D.B. Khaire sp. counsel in O.A. 610/17 for R.No. 4 & 5, and for R.No. 3 & 4 in O.A. 807 to 811/17 & O.A. 926/17.

K.B. Bhise for Respondent No. 1 to 3 in O.A. 610/17, for R.No. 1 & 2 in O.A. 807 to 811/17 & O.A. 926/17.

S.O. to 23/11/17.

[Signature]

**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
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Date : 09.11.2017.

O.A.No.148 of 2017

Smt. M. H. Patole & Ors.Applicants.

Versus

The State of Maharashtra & Ors. ..Respondents.

1. Heard Shri D.B. Khaire, learned Advocate for the Applicants and Shri N.K. Rajpurohit, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicants seeks time to remove the office objection so far as signatures of the applicants on M.A. and O.A. ~~is~~ is concerned.

8. S.O. to 29.11.2017

Sd/-
(B. P. PATIL)
MEMBER (J)

vsm

DATE: 9/11/17

CORAM:

~~Shri. RAJIV AGARWAL~~
(Vice-Chairman)

~~Shri R. B. MALIK (Member)~~
B.P. Patil

APPEARANCE:

Shri/Smt. D.B. Khaire

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

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

~~Att. to S.O. to 29/11/17.~~

**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
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Date: 09.11.2017.

O.A. 804 of 2017

Miss Arati A. DigheApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned P.O. has tendered letter from Police Commissioner, Thane dated. 09.11.2017. It is taken on record. Learned P.O. prays for two months' time for taking decision in the matter of applicant.

3. One month time is granted.

4. S.O. to 07.12.2017

DATE: 9/11/17
CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice-Chairman)
Hon'ble Shri R. B. MALIK (Member) J
B. P. Patil
APPEARANCE:
Shri/Smt. B.A. Bandiwadekar
Advocate for the Applicant
Shri/Smt. Archana B.K.
P.O./P.O. for the Respondents
S.O. to 7/12/17.
[Signature]

Sd/-
(B.P. Patil)
Member (J)

nmn

**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 Date : 09.11.2017.
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O.A.No.873 of 2017

Shri P.G. Ingawale ...Applicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri R. G. Panchal, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Respondent Nos.3 & 4 has filed Affidavit-in-Reply. The same is taken on record.

3. On perusal of the record, it reveals that the applicant has challenged the seniority list published by the respondents by filing this O.A. Before filing of the Original Application, the applicants have filed a representation dated 04.08.2017 addressed to the Additional Director General of Police. The representation is still pending with the ADG. The applicants filed the present O.A. on 13.09.2017 without waiting for expiry of period of six months as provided under section 20(2)(b) of the Administrative Tribunals Act, 1988. In my view, the present O.A. is not maintainable in view of the Provision of Section 20 of the Administrative Act, 1988.

4. Learned Advocate for the applicant press to grant time to satisfy the Tribunal on the point of maintainability of the O.A.

5. Short time granted. S.O. to 16.11.2017.

R
Sd/-

(B. P. PATIL)
MEMBER (J)

DATE: 9/11/17

CORAM:

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

Mou'ble Shri R. B. MALIK (Member)
B. P. Patil

APPEARANCE:

~~Smt. R. G. Panchal~~

Advocate for the Applicant

~~Smt. K. S. Gaikwad~~

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

~~Reply filed by R. No. 4.~~

~~Adi. To S.O. to 16/11/17.~~

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION 399 OF 2017**

Shri Ramesh Nilu Chavan

...Applicant

Versus

The State of Maharashtra

...Respondents

Shri A.V. Bandiwadekar, learned advocate for the Applicant.

Ms. Savita Suryawanshi, learned Presenting Officer for the Respondents.

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

DATE : 09.11.2017

ORDER

1. Taken up for rehearing.
2. Heard Shri A.V. Bandiwadekar, learned advocate for the Applicant and Ms. Savita Suryawanshi, learned Presenting Officer for the Respondents
3. This Original Application has come up for hearing.
4. It has transpired during rehearing that:-
 - (a) Special reasons and exceptional reasons if on record have to be shown by the Conservator of Forest [Territorial], Pune on the basis of record as placed before Chief Conservator of Forest and referred to in any office note etc.



- (b) What special reasons and exceptional circumstances were borne on record at the time of approval of proposal for transfer qua present applicant, as reflected in the office note or proposal for approval received from Conservator of Forest [Territorial], Pune has to be shown by the Respondent No. 3.
- (c) In the present case applicant has pleaded/argued that there does exist general delegation for power for periodic transfers which is done through notification dated 23.6.2014. This notification is for "General Transfers". It is not shown that power to effect transfers under Section 4(4) proviso (4) have not been delegated/notified. Whether powers to order transfers whenever special reasons and exceptional circumstances are delegated by general or special order has to be shown by the Secretary of Revenue & Forest Department.

5. It appears that the point of view recorded in foregoing paras were not adverted to by:-

- (a) Conservator of Forest (Territorial) Pune;
- (b) Addl. Principal Chief Conservator of Forest, [Administration], Nagpur; and
- (c) Principal Secretary [Forest].

6. Therefore, all these officers named in foregoing para are directed as follows:-

- (a) Read this order.
- (b) Read O.A with reference to each line point and contentions and annexures to O.A and the affidavit / rejoinder as already filed.
- (c) Find out as to what are the deficiencies.
- (d) Secretary (Forest) should hold a meeting and arrange discussion with P.O/C.P.O to overcome difficulties and work on a long term measures/solution to avoid

recurrence of lack of advertence and lack of observance of provisions of ROT Act of 2015.

7. Three officers, Chief Conservator of Forest [Territorial], Pune, Addl. Principal Chief Conservator of Forest [Admn.] and Secretary, Forest shall then decide a stance to be taken in the present case and make a statement/file affidavit in present O.A.

8. Learned P.O/ C.P.O are directed to communicate this order to the officers concerned.

9. Steno copy and Hamdast is allowed to learned P.O/C.P.O for communication.

10. S.O. to 22/11/2017.



Sd/-

(A.H. Joshi, J.)
Chairman

Place : Mumbai
Date : 09.11.2017
Dictation taken by : A.K. Nair.