

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
CONTEMPT APPLICATION NO.1 OF 2018  
IN  
ORIGINAL APPLICATION NO.287 OF 2017**

Shri Krushna Vinayak Sawant

..Applicant

Versus

Shri Arvind Patil,  
Chief Conservator of Forest, Kolhapur & Anr.

..Respondents

Shri M.D. Lonkar – Advocate for the Applicant

Smt. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

DATE : 11<sup>th</sup> January, 2018

**ORDER**

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. This CA was taken up for hearing on 4.1.2018.
3. On 4.1.2018 the Ld. PO was instructed by Shri Puranik, Assistant Conservator of Forest from the office of Forest Division, Sawantwadi and after speaking to the contemnors he gave instructions to Ld. PO to make a statement that order shall be complied with.



4. Today Ld. PO has tendered copy of order dated 6.1.2018 passed by respondent no.2 showing that applicant's period of suspension is regularized by treating it as 'suspension period'.

5. The Ld. Advocate for the applicant had pointed out that:

- (a) The order dated 4.5.2017 passed in the above OA No.287 of 2017 is not complied with despite the notice intimating probable action of contempt if order remains to be complied was served on both the contemnors.
- (b) The notice served on respondents by Advocate for applicant is not replied.
- (c) Only after notice of contempt dated 20.11.2017 was served the respondents, the contemnors have moved the Ld. PO to take opinion for challenging the order etc.

6. It is seen that this Tribunal in no ambiguous terms ordered as follows:

7. ....  
 In so far as the period of suspension is concerned, a decision be taken by the respondents within a period of four weeks from today in accordance with the observations hereinabove made which should lead to said period being treated as period spent on duty. If no action is taken at the expiry of the four weeks, then within two weeks thereafter, appropriate orders shall be made to treat that period as period spent on duty and the financial implications, if any, shall be appropriately addressed by way of the payment being made within that period of two weeks.

.....”

(Quoted from page 16-17 of CA)

7. In the aforesaid background by the order which is tendered today, the period of suspension is not treated as period spent on duty rather it is treated as period spent under suspension.
8. It is shocking that while the CA is already before this Tribunal and it is very well known to contemnors, they have ventured to act to aggravate the contempt by passing an order totally contrary to the express directions of this Tribunal.
9. Hence, present is a fit case to take cognizance of contempt.
10. Hence, cognizance is taken.
11. Issue Bailable Warrant against Respondents No.1 and 2 returnable on 15.2.2018 with a condition that the bond and bail amount shall be of Rs.5000/- (Rupees five thousand only) and it be deposited by each contemnor in this Tribunal by cheque to be drawn from their personal account in the name of Registrar of this Tribunal.
12. Superintendent of Police, Kolhapur and Superintendent of Police, Sindhudurg are directed to supervise service/execution of bailable warrant on the respondents/contemnors.
13. Stenocopy and hamdast is granted. Ld. PO is directed to communicate this order to the respondents.

Sd/-

(A.H. Joshi, J.)  
Chairman  
11.1.2018

Dictation taken by: S.G. Jawalkar.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.29 OF 2018

S.M. Saundane

....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 Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 11.01.2018.

**ORDER**

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.
2. Issue notice before admission made returnable on 25.01.2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. In the mean time Principal Secretary, Revenue Department is directed to place before this Tribunal, copy of documents which are the basis of the enquiry relating to mis-conduct, which is in contemplation and also make a statement as to the time frame within which the charge-sheet, if any, would be served on the Applicant.

9. In case the post which was held by Applicant is filled-in, it shall be subject to outcome of present O.A..

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

11. S.O. to 25.01.2018.



Sd/-

(A.H. Joshi, J)  
Chairman

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.6 OF 2018**

Shri Pradeep B. Ballyapalli ..Applicant  
Versus  
The State of Maharashtra & Ors. ..Respondents

Shri A.V. Bandiwadekar – Advocate for the Applicant  
Miss S.P. Manchekar – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman  
DATE : 11<sup>th</sup> January, 2018

**ORDER**

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Presenting Officer for the Respondents.
2. This OA is taken up for admission heard.
3. Admit. Issue notice for final disposal returnable on 2.7.2018.
4. Heard on the point of interim relief.
5. By the impugned order dated 9.11.2017 the applicant has been terminated from service as Clerk-cum-typist. The reason which is assigned for termination is that applicant has failed to pass Typewriting Examination within two years from the date of appointment.



6. Admittedly:

- (a) Applicant has 60% disability described in the certificate as "C.P. Diplegia" and holds disability certificate for 60%.
- (b) Applicant has passed MSCIT and is capable to handle and operate computer. He has failed to pass Typing Examination.
- (c) Government of Maharashtra has way back in 2013 discontinued the Typing Examination which were erstwhile conducted through Government Board.
- (d) By virtue of some directions passed in Writ Petition Government has continued the Typing Examination however, those are discontinued from 2016.
- (e) The use of manual typing in Government office is almost abandoned and manual typewriting machines are scrapped.
- (f) Computer literacy and skill by passing through MSCIT is mandatory condition for employment in Government service.

7. During the times when typing was novelty, passing of typing examination was rudimentary. However, in contemporary life computer literacy and capacity to handle the computer has become rudimentary and insisting passing of typing examination though prevalent in the recruitment rules has to be considered as outlived and became an antique practice enforcement whereof would lead to lack of conversance with rudimentary practice in existence.

8. In these premises, this Tribunal is satisfied that continuing to implement the condition of passing typing examination in the contemporary life is prima facie, refusing to keep pace with the life and hence unreasonable and on the facts of the case unfair too.

9. Hence, applicant has made out a case for grant of interim relief.

10. Therefore, interim relief deserves to be granted in favour of applicant and is granted by staying the impugned order with direction that applicant be continued in employment and he be paid all his salary and allowances ignoring termination.

11. Steno copy and hamdast is granted. Ld. CPO is directed to communicate this order to the respondents.



Sd/-

(A.H. Joshi, J.)

Chairman

11.1.2018

Dictation taken by: S.G. Jawalkar.



# FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

Date : 11.01.2018.

O.A.No.628 of 2017

V.D. Shriram

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri M.B. Kadam, the learned Advocate holding for Shri J.N. Kamble, the learned Advocate for the Applicant, Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents No.1 to 3 and Shri A.S. Gaikwad, the learned Advocate for the Respondent No.4.

2. For orders as to withdrawal.

3. S.O. to 24.01.2018.

prk



Sd/-

(A.H. Joshi J.)  
Chairman

DATE: 11/1/18

CORAM:

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

Hon'ble Shri M. Raneshkumar (Member) A

APPEARANCE:

Shri/Smt. M. B. Kadam, holding  
for J. N. Kamble.  
Advocate for the Applicant

Shri/Smt. Ms. S.P. Manchekar  
C.P.O./P.O. for the Respondent/s

Adj. To S.O. to 24/1/18.

for order as to withdrawal.



(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 : 11.01.2018.

O.A.No.1118 of 2017

S.R. Thorat

....Applicant.

Versus

The State of Maharashtra &amp; Ors.

.....Respondents.

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents prays for time for filing reply.

3. Time as prayed is granted.

4. In case the department is considering applicant's request for transfer in Osmanabad District pendency of this O.A. shall not come in the way and the decision be taken, if possible, expeditiously.

5. S.O. to 01.02.2018.

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

Sd/-  
(A.H. Joshi J.)  
Chairman

DATE : 11/1/2018

CORAM :

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

APPEARANCE:

Shri/Smt. : C.T. Chandratre

Advocate for the Applicant

Shri/Smt. : S.P. Manchekar

C.P.O. for the Respondent/s

Ag. S.O. to 1/2/2018

prk

**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><b>DATE :</b> <u>11/1/2018</u></p> <p><b>CORAM :</b> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>S.S. Dere</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>S.P. Manchekar</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>17/1/2018</u></p> <p style="text-align: right;"><i>B.T.</i></p>	<p><b>Date : 11.01.2018.</b></p> <p style="text-align: center;"><b>O.A.No.13 of 2018</b></p> <p><b>R.N. Chavan</b> .....Applicant.</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.</p> <p>2. Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents prays for time for enabling the Additional Chief Secretary to make a statement.</p> <p>3. Time as prayed is granted.</p> <p>4. S.O. to 17.01.2018.</p> <p style="text-align: right;">Sd/- <b>(A.H. Joshi)</b> Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

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 : 11.01.2018.

M.A.No.505 of 2017 in O.A.No.529 of 2017

The State of Maharashtra & Ors.

....Applicants (Org. Respondents).

Versus

A.D. Dhakne

.....Respondent (Org. Applicant).

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

2. No case is made out for grating enlargement of time for complying with the order.

3. Though opinion of learned C.P.O. was received on 11.10.2017, the applicant took three weeks to write to Law and Judiciary Department and that the matter is not pursued.

4. There is total lack of sincerity in efforts.

5. In view of the foregoing, present M.A. for enlargement of time is rejected.

**DATE :** 11/1/2018

**CORAM :**

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

**APPEARANCE:**

Shri/Smt. : K.S. Gaikwad Ld. Po.

Advocate for the Applicant (Org. Resp.)

Shri/Smt. : Punam Mahajan Ld. Adv.

C.P.O./P.O. for the Respondent/s (Org. App)

Adj./S.O. to : MA is rejected.

*[Handwritten signature]*

*[Handwritten signature]*

Sd/-

(A.H. Joshi) Chairman

prk

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

Tribunal's orders

Date : 11.01.2018.

O.A.No.23 of 2018

D.S. Kadam

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 16.02.2018.

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

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 16.02.2018.

9. Learned P.O. is directed that while preparing affidavit-in-reply detail reply i.e. special attention be given while answering ground 7.1.

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

Sd/-

(A.H. Joshi J.)  
Chairman

DATE : 11/1/18

CORAM :

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

APPEARANCE:

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

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

Adj./S.O. to 16/2/2018.

Steno copy & Hamdast is  
allowed to Ld. P.O.

YJK

(Presenting Officer.....)

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

Tribunal's orders

Date : 11.01.2018.

C.A.No.42 of 2017 in O.A.No.970 of 2014

Dr. V.D. Shinde

.....Applicant.

Versus

The State of Maharashtra &amp; Ors.

.....Respondents.

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents states on instructions from Shri B.P. Jadhav, Office Superintendent / representative of the Respondent No.2, that seniority lists as required would be furnished to the Health Department in Mantralaya before 18.01.2018.

3. In so far as calling of Departmental Promotion Committee on the basis of provisional seniority list is concerned, let a meeting be convened at once.

4. Compliance be reported on 12.01.2018, First on Board on 12.01.2018.

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

Sd/-

(A.H. Joshi J.)  
Chairman

DATE : 11/1/18

CORAM :

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

APPEARANCE:

Shri/Smt. : A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. : S. Suryawanshi

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

Adj./S.O. to 12/1/2018

Steno copy & Hamdast is  
allowed.

FOB

prk