

**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> 11/8/17</p> <p><u>COMES:</u></p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u></p> <p>Shri/Smt. : Punam Mahajan Advocate for the Applicant</p> <p>Shri/Smt. : K.S. Gaikwad C.P.O./P.O. for the Respondents</p> <p>Adj. To: S.O. to 24/8/17</p> | <p style="text-align: center;"><u>O.A. 718/2017</u></p> <p>Mr. S.G. Palkar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mrs. Punam Mahajan, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>See my order dated 4.8.2017. Affidavit-in-reply has already been filed. The OA has been adjourned to 24th August, 2017. It is made clear that, on that day, regard being had to the facts, the OA may have to be finally heard but if it is found that it was not possible and may be request for interim relief will be considered.</p> <p style="text-align: right;">Sd/- (R.B. Malik) 11.8.17 Member (J) 11 07.08.2017</p> <p>(skw)</p> |

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| <p>DATE: <u>11/8/17</u></p> <p>CORAM: Shri. Rajiv Agarwal (Vice-Chairman) Shri R. B. Malik (Member)</p> <p>APPEARANCE: Shri. Punam Mahajan Advocate for the Applicant Shri/Smt. : <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To <u>16/8/17</u></p> <p><i>(Signature)</i></p> | <p><u>O.A.980/2016</u></p> <p>Mr. S.P. Yadav & 8 Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mrs. Punam Mahajan, the learned Advocate for the Applicants and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>On the request of the learned Advocate Mrs. Punam Mahajan, the name of the Applicant No.2 i.e. Shri Sushilkumar K. Nayak is deleted from the array of parties. So far as he is concerned, the OA is disposed of with no order as to costs.</p> <p>S.O. to 16th August, 2017.</p> <p>Sd/- (R.B. Malik) 11.8.17 Member (J) 11.08.2017</p> <p>(skw)</p> |

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| <p>DATE: <u>11/8/17</u></p> <p>CORAM: Mem'ble Shri. RAJIV AGARWAL (Vice-Chairman) Mem'ble Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri/Smt.: <u>K.R. Jagdale</u> Advocate for the Applicant Shri/Smt.: <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondents</p> <p><u>O.A. is disposed</u></p> <p><i>[Handwritten initials]</i></p> | <p style="text-align: center;"><u>O.A. No.1028 of 2016</u></p> <p>Shri S.B. Nile ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.</p> <p>This Original Application ^{has} worked itself out, The suspension of the Application was revoked. Thereafter, ^{However,} he was posted at Chandrapur but subsequently he was promoted and posted to Sangli and, therefore, no dispute survives and the Original Application is accordingly disposed of with no order as to costs. It is recorded that the manner in which the suspension period is treated is left open and is not concluded hereby.</p> <p style="text-align: right;">Sd/- <u>[Signature]</u> (R.B. Malik) <u>11.8.17</u> Member (J) 11.08.2017</p> <p>(vsm)</p> |

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

Tribunal's orders
O.A. No.1027 of 2016

Shri V.B. Kulkarni

... Applicant

V/s.

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

I have perused the record and proceedings and heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.

This Original Application can be disposed of in the manner herein below indicated. This O.A. was brought for disputing the order of suspension. The suspension was revoked and the Applicant was posted at Buldhana. That place is fraught with difficulties for the Applicant for various reasons and he wanted to be posted either at Kolhapur, Sindhudurg or Ratnagiri but that request was not considered for want of vacancy. Now, he made a representation on 13.07.2017 for consideration of his case for a posting at Aurangabad which according to him is currently vacant. A copy of representation is retained on record. The Respondents shall taken an appropriate decision on the said representation within three weeks from today and convey the outcome thereof to the Applicant within one week thereafter.

With these directions, this O.A. is disposed of with no order as to costs. It is recorded that the manner in which the suspension period is treated is left open and not decided herein.

Sd/-

(R.B. Malik)
Member (J)
11.08.2017

ik
11.8.17

DATE: 11/8/17

CC/IM:

~~Mr. Shri. RAJIV AGARWAL~~

(Vice-Chairman)

~~Mr. Shri R. B. MALIK (Member)~~

APPEARANCE:

Shri/Smt. K.R. Jagdale

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

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

Adj. To O.A. is disposed of

of

at

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

Tribunal's orders

O.A. No.295 of 2017

Shri S.B. Nandgaonkar ... Applicant
V/s.

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

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

A copy of the Minutes of the Meeting of the Suspension Review Committee dated 04.03.2017 is taken on record. The learned Advocate states that the Applicant is instructed her not to press the issue of competency of suspending authority.

The learned C.P.O. submits that the Reply was directed only to that aspect of the matter and he requests for some time to file Reply as to whether other aspects, as well. I make it clear that this is already a Part-Heard matter and, therefore, the Respondents must file their Reply on the next date and regardless of whether the Reply is filed or not, the arguments will be heard. A copy of the Reply be furnished the Applicant's Advocate at least a day in advance.

S.O. to 24.08.2017. Hamdast.

DATE: 11/8/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. Punam Mahajan

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

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

Adj. to

S.O. to 24/8/17

Hamdast

Sd/-

(R.B. Malik) 11.8.17
Member (J)
11.08.2017

(vsm)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET NO.

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| <p><u>DATE:</u> 11/8/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. M.D. Lonkar Advocate for the Applicant Shri/Smt. K.S. Gaikwad P.O. for the Respondents</p> <p>Adj. To: <u>Suo-moto C.A.</u> <u>is disposed of.</u></p> | <p style="text-align: center;"><u>Suo-Moto C.A. No.3 of 2017</u></p> <p>Shri B.J. Patil ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.</p> <p>A copy of the communication from the 3rd Respondent dated 10.08.2017 on P.O.'s request is taken on record. In view thereof along with the unconditional apology already tendered, ^{para 2} para 2 Suo-Moto Contempt Application stands hereby disposed of with no order as to costs. The said apology is accepted.</p> <p style="text-align: right;">Sd/- (R.B. Malik) 11.8.17 Member (J) 11.08.2017</p> <p style="text-align: center;">(vsm)</p> |

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| <p><u>DATE:</u> 11/8/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri/Smt. S.S. Dere</p> <p>Advocate for the Applicant Shri/Smt. N.K. Rajpurohit</p> <p>C.P.O./P.O. for the Respondents O.A. is admitted.</p> <p>Adj. to S.O. to 24/8/17</p> | <p style="text-align: center;"><u>O.A. No.631 of 2017</u></p> <p>Shri S.P. Kumavat ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri S.S. Dere, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.</p> <p>Shri S.S. Dere, the learned Advocate submits that the Applicant does not want to file Rejoinder. The Original Application is admitted and appointed for final hearing on 24.08.2017.</p> <p style="text-align: right;">Sd/- (R.B. Malik) 11-8-17 Member (J) 11.08.2017</p> <p style="text-align: center;">(vsm)</p> |

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| <p>DATE: 11/8/17</p> <p>CORAM: Shri. RAJIV AGARWAL (Vice-Chairman) Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri. Applicant In person Advocate for the Applicant Shri/Smt. N.K. Rajpurohit C.P.O./P.O. for the Respondents</p> <p>Adj. To S.O. to 21/8/17</p> <p><i>[Signature]</i></p> | <p align="center"><u>O.A. No.649 of 2017</u></p> <p>Ms M.S. Khot ... Applicant</p> <p align="center">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard the Applicant in person and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.</p> <p>The cause title of the OA will have to be made elaborately ^{clear} because just in case the notices are required to be issued by the Court, there has to be the proper address in the cause title. The Applicant to comply during the course of the day and matter stands adjourned to 21.08.2017.</p> <p align="center">S.O. to 21.08.2017.</p> <p align="right">Sd/- (R.B. Malik) 11-8-17 Member (J) 11.08.2017</p> <p align="center">(vsm)</p> |

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

O.A. No.741 of 2017

Shri V.K. Jagdhane

... Applicant

V/s.

The State of Mah. & ors.

... Respondents

Heard Shri, the learned Advocate for the Applicant and, the learned P.O. for the Respondents.

Issue notice returnable on 24.08.2017.

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 24.08.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 11.8.17
Member (J)
11.08.2017

(vsm)

DATE: 11/8/17

CORAM:

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

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

APPEARANCE:

SRI/Smt. A.A. Ghante

Advocate for the Applicant A.J. Chavande

Shri/Smt. N.K. Repadit

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

Adj. To S.O. to 24/8/17.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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| <p>DATE: 11/8/17</p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE:</p> <p>Smt. ... Applicant in person</p> <p>Advocate for the Applicant Shri Smt. N.K. Rajpurohit</p> <p>C.P.O./D.O. for the Respondent No. 1. M.M. Kura P.No. 2 in person.</p> <p>Adj. to S.O. to 28/8/17.</p> <p>Rejoinder filed by Applicant.</p> | <p style="text-align: center;">O.A. No.545 of 2017</p> <p>Dr. S. V. Medhekar ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard the Applicant in person and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondent No.1. Shri M.M. Kura, the Respondent No.2 is present in person.</p> <p>Shri M.M. Kura, the Respondent No.2 ^{Prays for} presses time to file Reply. ^{JE} He is directed that Affidavit-in-Reply must be filed on the next date.</p> <p style="text-align: center;">S.O. to 28.08.2017.</p> <p style="text-align: right;">Sd/- (R.B. Malik) Member (J) 11.08.2017</p> <p style="text-align: right;">ik.</p> <p style="text-align: right;">11-0-17</p> <p style="text-align: center;">(vsm)</p> |

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| <p>DATE: <u>11/8/17</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>Punam Mahajan</u> Advocate for the Applicant Shri/Smt. <u>S.T. Chandratre</u> C.P.O./P.O. for the Respondents Adv. for Applicant in M.A. 251/17. Adj. to Smt. Archana B.K. And N.K. Rajpurohit, s/o Respondent. G.A. Bandiwadkar R.A. No. 3. S.O. to 18/8/17. @ccf</p> | <p><u>O.A. No.453, 454, 455 of 2017 with M.A.251 of 2017 with O.A.456 of 2017</u></p> <p>Shri S.D. Dhavane & Ors. ... Applicants</p> <p>V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Smt. Punam Mahajan, the learned Advocate for the Applicants and Shri C.T. Chandratre, the learned Advocate for the Applicant in M.A.251/2017. Smt. Archana B the learned P.O. and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents and Shri G.A. Bandiwadkar, the learned Advocate for the Respondent No.3.</p> <p>The Respondent No.2 shall make sure that a complete copy of the Minutes of the Meeting of Civil Services Board is furnished to the Applicant's Advocate so as to enable her to file the Rejoinder.</p> <p>Adjourned for Rejoinder to 18.08.2017. Interim order to continue till then.</p> <p>Sd/- (R.B. Malik) 11-8-17 Member (J) 11.08.2017</p> <p>(vsm)</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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O.A. No.418 of 2017

Shri S.D. Kharat ... Applicant

V/s.

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

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

Affidavit-in-Reply is taken on record. The Applicant shall furnish a copy of the O.A. to the Private ^{Party} Respondent No.4 during the course of the day.

The Original Application stands adjourned for Reply of the Respondent No.4.

S.O. to 24.08.2017.

DATE: 11/8/17

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.J. Chougule

C.P.O./P.O. for the Respondents
Reply filed by R.No. 148.
S.O. to 24/8/17.

Adj. To [Signature]

Sd/- [Signature]
11-8-17

(R.B. Malik)
Member (J)
11.08.2017

(vsm)

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| <p><u>DATE:</u> 11/8/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u> <u>Shri/Smt. P. B. Dakve</u> Advocate for the Applicant <u>Shri/Smt. A. J. Chougale</u> C.P.O./P.O. for the Respondents</p> <p><u>Adj. To:</u> S.O. to 18/8/17</p> <p><i>[Signature]</i> (vsm)</p> | <p style="text-align: center;"><u>O.A. No.10 of 2017</u></p> <p>Shri M.A. Ingle ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri P.B. Dakve, the learned Advocate for the Applicant and Shri A.J. Chougale, the learned P.O. for the Respondents.</p> <p>The pleading are complete. The Original Application is admitted and appointed for final hearing on 18.08.2017.</p> <p style="text-align: right;">Sd/- (R.B. Malik) 11-8-17 Member (J) 11.08.2017</p> |



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| <p><u>DATE:</u> 11/8/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri/Smt. None for the applicant. Advocate for the Applicant Shri/Smt. A. J. Chougale P.O./P.O. for the Respondents D.A. is admitted. Adj. To S.O. to 8/9/17</p> <p style="text-align: right;">FH </p> | <p style="text-align: center;"><u>O.A. No.282 of 2017</u></p> <p>Smt. M.M. Pingale ... Applicant V/s. The State of Mah. & ors. ... Respondents</p> <p>None for the Applicant. Heard Shri A.J. Chougale, the learned P.O. for the Respondents.</p> <p>The learned P.O. seeks further adjournment for Reply. Last chance was infact granted on 11.07.2017 itself. The request is, therefore, rejected.</p> <p>The Original Application is admitted and appointed for final hearing on 08.09.2017, making it clear that on that day, if the Reply is tendered, it will be taken on record but no adjournment will be given.</p> <p>S.O. to 08.09.2017.</p> <p style="text-align: right;">Sd/-  (R.B. Malik) 11.8.17 Member (J) 11.08.2017</p> <p style="text-align: center;">(vsm)</p> |

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| <p>DATE : <u>11/8/2017</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>Punam Mahajan</u> Advocate for the Applicant Shri /Smt. : <u>Archana B.K.</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To.....<u>14/8/2017</u>.....</p> <p style="text-align: right;"><i>BT</i></p> | <p>Date : 11.08.2017</p> <p style="text-align: center;">O.A.No.92 of 2017</p> <p>Dr. M.S. BhadkeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents Smt. Archana B.K. has tendered affidavit. Those are taken on record.</p> <p>3. Principal Secretary, Public Health Department Shri Pradeep Vyas is directed to remain present for cross examination on his affidavit on 16.08.2017.</p> <p>4. S.O. to 16.08.2017.</p> <p style="text-align: right;">Sd/- <u>(A.H. Joshi, J)</u> Chairman</p> <p>sb</p> |

Office Notes, Office Memoranda of Coram,
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Tribunal's orders
O.A. No.417 of 2016

Dr. P.S. Awate ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri D.B. Khaire, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. Advocate for the Applicant prays for leave to amend to substitute entire paper book of OA. Leave granted.

3. Issue notice returnable on 8.9.2017.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued:

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.

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.

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.

8. Ld. PO was called to take instructions from the Government as to whether the appointment is in the Learned PO states after taking instructions that appointment would not be effected within 15 days.

9. S.O. to 8.9.2017.

Sd/-

(A.H. Joshi, JA)
Chairman
11.8.2017

(sgj)

DATE: 11/8/2017

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. : D.B. Khaire

Advocate for the Applicant

Shri/Smt. : Archana B.K.

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

Adj. To. 9/9/2017

B.T.

**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> 11/8/2017</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. C.T. Chandratre Advocate for the Applicant Shri/Smt. S. Suryawanshi C.P.O./P.O. for the Respondent/s</p> <p>Adj. To. 11/9/2017</p> <p style="text-align: right;">12/7 D.E</p> | <p style="text-align: center;"><u>O.A. No.338 of 2017</u></p> <p>Shri S.K. Kalé Applicant Vs. The State of Maharashtra & Ors. Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Miss Savita Suryawanshi, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO has tendered copy of order evidencing that impugned order is withdrawn.</p> <p>3. Ld. PO prays for time to file reply to show cause of costs. Time is granted till next date.</p> <p>4. It is hoped that in case the in validation process some objection is found, the officer concerned shall afford to the applicant an opportunity of hearing.</p> <p>5. S.O. to 11.9.2017.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J.V) 11/8/17 Chairman 11.8.2017</p> <p>(sgj)</p> |

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|---|---|
| <p><u>DATE:</u> 11/8/2017</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. C. T. Chandratre < Advocate for the Applicant Shri /Smt. Archana B.K. C.P.O / P.O. for the Respondent/s</p> <p>Adj. To S.O. to 3.00 p.m. today.</p> <p style="text-align: right;">12/8/17 R</p> | <p>Date : 11.08.2017</p> <p style="text-align: center;">O:A.No.338 of 2017</p> <p>S.K. KalelApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents. 2. This O.A. was heard yesterday. 3. It had transpired that in the interest of justice impugned order be withdrawn with liberty to pass order afresh. 4. Learned P.O. for the Respondents prayed for time till today. 5. Today, learned P.O. states that though it is reported that Shri N.B. Mote, Deputy Director, Sports & Youth Services has arrived to Mumbai, he did not contact the learned P.O. nor has he informed any action taken by him. 6. Deputy Director of Sports is called to show cause as to why he should not be saddled to pay costs of Rs.10000/- for negligence in handing the case. 7. S.O. at 3.00 p.m. today. <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</p> <p style="text-align: right;">m</p> |

MA No. 347/17

Original Application No. 634 of 2016

DISTRICT

smt. A.R. Lukade & sis.

..... Applicant/s

(Advocate) A.S. Deekhande & V.P. Potbhare

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: 11/8/2017</p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Shri M. Rameshkumar (Member)</p> <p>APPEARANCE:</p> <p>Shri/Smt. V.P. Potbhare</p> <p>Advocate for the Applicant</p> <p>Shri/Smt. Archana B.K.</p> <p>C.P.O / P.O. for the Respondent/s</p> <p>Adj. To..... M.A. is allowed.</p> <p><i>[Signature]</i></p> | <p>1) Learned Adv. for applicant prays for leave to correct the prayer. Leave is granted.</p> <p>2) Heard.</p> <p>3) MA is allowed in terms of prayer (B) as amended.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;"><i>[Signature]</i></p> <p style="text-align: right;">11/8/2017</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 align="center"><u>O.A. No.767 of 2017</u></p> <p>Smt. M. K. Mandhare ... Applicant</p> <p align="center">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.</p> <p>This Original Application is placed before me for consideration of interim relief. By the order dated 03.08.2017 received by the Applicant on 08.08.2017, the Applicant has been transferred from Kolhapur to Sindhudurg. The Private Party Respondent No.4 will be her successor at Kolhapur. The Affidavit of Service is perused. The Respondents have been served. The insistence on interim orders is bound to result in everybody concerned with the matter to pull up their socks and, therefore, I have taken up the matter for consideration of urgent relief. The relevant file is submitted for my perusal by the learned P.O. It is clear that the recommendations of Civil Services Board for the impugned transfer was not taken.</p> <p>The learned P.O. on instructions from Dr. Neelam Bansode, Assit. Director, Public Health Dept. informs that the Respondent 4th Respondent has not joined so far at Kolhapur in any case I make it clear that even if she had joined, I could grant mandatory orders at interlocutory stage because that is the requirement of the facts.</p> <p align="right">P.T.O.</p> |

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

Tribunal's orders

-2-

The Respondents are hereby directed to continue to allow the Applicant to function at the place she has been transferred from and even if for the sake of record, she has been relieved, she be reposted with immediate effect and let her continue till further orders.

With these interim orders, the OA stands adjourned to 08.09.2017. Hamdast.

Issue notice returnable on 08.09.2017.

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 08.09.2017. Learned P.O. do waive service. Hamdast.

Sd/-

(R.B. Malik)
Member (J)
11.08.2017

(vsm)

DATE: 11/8/17

CORAM:

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

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

APPEARANCE:

~~Shri/Smt. M. D. Louker~~

Advocate for the Applicant

~~Shri/Smt. K. S. Gaikekar~~

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

~~Adj. P.O. S.O. to 8/9/17~~

[Handwritten signature]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.668 OF 2017

DISTRICT : PUNE

Smt. U.S. Ghavte.

)...Applicant

Versus

1. The State of Maharashtra & 1 Anr.)...Respondents

Mrs. Punam Mahajan, Advocate for Applicant.

**Mr. G.S. Shukla, Special Counsel with Mr. A.J. Chougule,
Presenting Officer for Respondent No.1.**

Mr. K.R. Jagdale, Advocate for Respondent No.2.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 11.08.2017

ORDER

1. This Original Application (OA) is placed before me
for consideration of interim relief.



2. I have perused the record and proceedings and heard Mrs. Punam Mahajan, the learned Advocate for the Applicant, Mr. G.S. Shukla, the learned Special Counsel with Mr. A.J. Chougule, the learned Presenting Officer for Respondent No.1 and Mr. K.R. Jagdale, the learned Advocate for private Respondent No.2 who is the successor in this transfer matter of the Applicant.

3. The facts as far as this interim stage is concerned are a few and simple. In order to accommodate the Respondent No.2 who had made a request for transfer, the Applicant was transferred mid-tenure and mid-term which again is an admitted position and it is this mid-term order which is the subject matter of the OA. The record makes it clear that while the request of the 2nd Respondent was considered in case of the Applicant, no compliance was made which is required to be made in case of an employee who is to be subjected to be mid-tenure transfer. That is beyond dispute, and therefore, a case for interim relief is clearly constituted subject to the discussion mainly based on Mr. Shukla's preliminary objection.

4. Mr. Shukla told me that, this OA is pre-matured in the sense that, all administrative remedies have not been exhausted before invoking the jurisdiction of this



Tribunal and in that behalf, he relied upon the provisions of Section 20 of the Administrative Tribunals Act, 1985 and also relied upon two Judgments of the Hon'ble Supreme Court in the matters of **Government of A.P. & Ors. Vs. P. Chandra Mouli & Anr. : Civil Appeal No.2588 of 2009** and **Commissioner of Income Tax & Ors. Vs. Chhabil Dass Agarwal : Civil Appeal No.6704/2013, dated 8th August, 2013.**

5. Section 20(1) of the Administrative Tribunals Act reads as follows :

"20(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant services rules as to redressal of grievances."

6. This particular provision fell for consideration of a Division Bench of the Hon'ble Bombay High Court in **State of Maharashtra Vs. Dr. Subhash Mane : 2015 (4) MLJ 781.** In Para 9, Their Lordships were pleased to make the following observations.



“9. Section 20(1) of the Administrative Tribunals Act does not place an absolute embargo on the Tribunal to entertain an application if alternative remedy is available. It only states that the Tribunal shall not ordinarily entertain application unless the Tribunal is satisfied that the applicant has availed the alternate remedy. This phraseology itself indicates that in a given case the Tribunal can entertain an application directly without relegating the applicant to the alternate remedy.”

7. Mr. Shukla relied upon a certain Government GR in PWD dated 22nd November, 2016 in order to buttress his contention that the Applicant could not have invoked the jurisdiction of this Tribunal without taking recourse to that remedy. The perusal thereof would show that, it is issued in connection with providing the guidelines to the employees of PWD which incidentally, the Applicant is not and sixth guideline is that, in connection with the Court matters, the Law Officers/Presenting Officers and Public Prosecutors should be approached for guidance. Now, it is absolutely clear that the duly enacted provision of law i.e. Section 20 of the Act has been construed in a particular



manner by the Division Bench of the Hon'ble High Court and in contest therewith, such instrument is surely of a weaker efficacy and can certainly not prevail.

8. In so far as the two Judgments cited by Mr. Shukla, I find that, in so far as the Chandra Mouli's case is concerned, that was basically an authority on the issue of mala fides or bad faith, etc. There, the Tribunal had by an order relegated the second of the two OAs for being sought administrative remedy and it was found that, on that particular fact situation, the alternative remedy could not have been avoided (see Para 8). It is, therefore, very clear that the decision of that matter turned on its peculiar facts and the main contention was with regard to malafide aspect of the matter. **Chhabil Dass** (supra) was a matter under Income Tax Act and the Income Tax Act provided appeal against a particular kind of order without availing appellate remedy, the parties concerned straightaway had moved the Hon'ble High Court in its writ jurisdiction. On facts also, certain points are there, but even on this aspect of the matter, it is clear that the present facts are entirely different when compared with **Chhabil Dass** (supra).

9. It is, therefore, very clear that, although Mr. Shukla, the learned Special Counsel did his brilliant best to salvage the case of his clients though the facts

A handwritten signature in black ink, consisting of a stylized 'B' followed by a flourish, with a horizontal line underneath it.

discussed at the outset would make it very clear that a case for interim relief is made out, the arguments of Mr. Shukla cannot be accepted and unless something extraordinary and something quite different came on record at the time of final hearing, I am afraid on the jurisdiction aspect of the matter, the Respondents might not succeed. That aspect of the matter, however, is left open.

10. In order to serve as guidance in the matter of the transfer aspect of the matter, Mrs. Mahajan, the learned Advocate for the Applicant relied upon **OA 69/2015 (Shri Rajeevsingh S. Parmar Vs. State of Maharashtra & 2 Ors., dated 19.3.2015 (Coram : the Hon'ble Vice-Chairman)** and **OA 53/2016 (Shri Rababhau S. Morale Vs. State of Maharashtra and 3 others, dated 20.9.2016)** rendered by me and Mr. Jagdale, the learned Advocate for private party Respondent No.2 relied upon the orders of the Hon'ble Chairman in a fasciculus of OAs, the leading one being **OA 897/2014 and others (Shri Sudam Mandharekar Vs. Commissioner of Police)** and **OA 19/2016 (Shri Sampat Gunjal Vs. The State of Maharashtra and 3 others, dated 7.6.2016)**. The submission was that, even if the matter may not have been placed before the Civil Services Board, still the transfer cannot be questioned. Mr. Jagdale also made some reference to the complaints against the Applicant.



11. As to all these submissions, I find that, at this interim stage, at least when the transfer of the Applicant was made probably only to make sure that the private Respondent was accommodated without complying with the elementary requirement of the Transfer Act, then interim relief cannot be refused. The Applicant will have to be directed to be reposted and no doubt, this interim order shall govern till such time as any further order is made in future including at the time of final disposal hereof.

12. The Respondents are directed to repost the Applicant to the posts he has been transferred from by the impugned order within a period of one week from today and give any other posting to the 2nd Respondent. The OA stands adjourned for Affidavit-in-reply to 7th September, 2017.

Sd/-

(R.B. Malik)
Member-J
11.08.2017

8.17

Mumbai
Date : 11.08.2017
Dictation taken by :
S.K. Wamanse.