

**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 : 12.02.2019.

O.A.No.831 of 2018

V. L. Pawar

....Applicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. None for the Applicant. Heard Ms N. G. Gohad,
learned Presenting Officer for the Respondents.

2. This matter is kept under the caption "Objection
Matters" as the applicant has failed to remove the
objections within time granted by the office.

3. The matter is of 2017 and the objections ought to
have been removed much earlier. However, two weeks
time is granted for compliance of office objections. If the
objections are removed then the matter be kept under
the caption "Admission" before the Tribunal on
28.02.2019.

4. If the objections are not removed within two weeks
from today, the O.A. stands dismissed in default without
making reference to the court.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.984 of 2018

DISTRICT : PUNE

Shri Baburao Bhagoji Bodake,)
Naib Tahasildar, Tahasil Road, Dist. Pune.) **...Applicant**

Versus

1. State of Maharashtra, through the Secretary,)
Revenue and Forest Department, Mantralaya,)
Mumbai 400 032.)
2. Divisional Commissioner, Pune Division, Pune.) **...Respondents**

Smt. Punam Mahajan, Advocate for Applicant.
Smt. Archana B. K., Presenting Officer for the Respondents.

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 12.02.2019

JUDGMENT

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondent.
2. In the present matter, the Applicant has challenged the suspension order dated 30.10.2018 whereby he was kept under suspension invoking the Rule 4(1)(a) & (c) of Maharashtra Civil Services Rule (Discipline & Appeal) Rules, 1979. Though, the Applicant has challenged the legality of impugned order, the main argument advanced by the learned Advocate for the Applicant is that since the date of suspension period of 90 days is over, in view of the law laid down by the Hon'ble Supreme Court in **(2015) 7 SCC 291 (Ajay Kumar Choudhary Vs. Union of India & Anr.)**, the suspension is illegal.

kuD...

3. Admittedly, till date charge sheet is not filed in Criminal Case. However, the charge sheet in D.E. has been issued in February, 2019. On this ground, the learned Advocate for the Applicant strongly urged that now the applicant cannot be subjected to prolong suspension. Besides, she further contends that the Respondents have failed to take review of suspension in terms of G.R. dated 14.10.2011 as well as in the light of judgment of Hon'ble Supreme Court in **Ajay Kumar Choudhary's** case (cited supra).

4. Per contra, the learned P.O. for the Respondents submitted that the suspension in the facts and circumstances of the matter was warranted and, therefore, legality of the same cannot be gone into. As regards review of the suspension, learned P.O. submitted that it is under consideration.

5. Today, the learned P.O. has tendered a letter dated 12.02.2019 issued by the Deputy Commissioner (Revenue), Pune stating that the decision about review of suspension will be taken in terms of G.R. dated 14.10.2011 in due course.

6. Having heard the submission advanced by the learned Advocate for the Applicant, I am of the opinion that this O.A. can be disposed of with suitable directions.

7. At this juncture, it would be apposite to refer the observations made by the Hon'ble Supreme Court in **Ajay Kumar Choudhary's** case (cited supra), which are as follows :-

"11. Suspension, specially preceding the formulation of charges, is essentially transitory or temporary in nature, and must perforce be of short duration. If it is for an indeterminate period or if its renewal is not based on sound reasoning contemporaneously available on the record, this would render it punitive in nature. Departmental/ disciplinary proceedings invariably commence with delay, are plagued with procrastination prior and post the drawing up of the memorandum of charges, and eventually culminate after even longer delay.

12. Protracted period of suspension, repeated renewal thereof, have regrettably become the norm and not the exception that they ought to be. The suspended person suffering the ignominy of insinuations, the scorn of society and

the derision of his department, has to endure this excruciation even before he is formally charged with some misdemeanor, indiscretion or offence. His torment is his knowledge that if and when charged, it will inexorably take an inordinate time for the inquisition or inquiry to come to its culmination, that is, to determine his innocence or iniquity. Much too often this has become an accompaniment to retirement. Indubitably, the sophist will nimbly counter that our Constitution does not explicitly guarantee either the right to a speedy trial even to the incarcerated, or assume the presumption of innocence to the accused. But we must remember that both these factors are legal ground norms, are inextricable tenets of Common Law Jurisprudence, antedating even the Magna Carta of 1215, which assures that - "We will sell to no man, we will not deny or defer to any man either justice or right." In similar vein the Sixth Amendment to the Constitution of the United States of America guarantees that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial.

21. *We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepared his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."*

8. In terms of G.R. dated 14.10.2011, the periodic review of the Government employee, who is suspended because of registration of offence against him, needs to be taken after one year from the suspension. Whereas in present case, the period of one year is not yet over. But that cannot be the ground to continue the suspension in view of mandate of Hon'ble Apex Court in **Ajay Kumar Choudhary's** case wherein it has been expressly held and mandated that the suspension of the Government servant should not exceed 90 days. Besides, it further provides that where the charge sheet in Criminal Case or in

D.E. has been issued within a period of 90 days then the Disciplinary Authority / Competent Authority needs to reconsider the issue of suspension to find out whether further suspension is justified. As such, there has to be objective decision based upon the record to decide whether further suspension is warranted. This exercised needs to be done by the Competent Authority.

9. Needless to mention that only because G.R. dated 14.10.2011 contemplates one year period from the suspension or taking review of the suspension it cannot over ride the mandates of the Hon'ble Supreme Court. The Disciplinary Authority or Competent Authority empowered for the review is obliged to take decision on the issue of suspension where it is continued for more than 90 days.

10. For the aforesaid discussion, the O.A. deserves to be allowed partly with suitable directions. Hence the following order.

ORDER

- (i) The Original Application is allowed partly.
- (ii) The Respondents are directed to take review on the issue of suspension of the Applicant and to take appropriate decision in the light of legal position stated above within one month from today and the decision as the case may be, shall be communicated to the Applicant within one weeks thereafter.
- (iii) If the Applicant feels aggrieved by such decision, he can avail the legal remedy in accordance to law. No order as to costs.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

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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>Date : 12.02.2019.</p> <p>O.A.No.213 of 2017</p> <p>A. S. GitayApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and , learned Presenting Officer for the Respondents.2. This matter is placed under the caption of "Objection Matters" as the objections raised by the office are not complied with. The matter is of 2017 and still the objections are not removed.3. However, two weeks time is granted for removing the objections. If the objections are removed within two weeks from today, the matter be kept under the caption of 'Admission' on 28.02.2019.4. If the objections are not removed within two weeks, the O.A. stands dismissed in default without placing the same before the court. <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>O.A.No.342 of 2018</p> <p>K. C. SabaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam holding for Dr. Shri G. Sadavarte, learned Advocate for the Applicant and S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This matter is kept under the caption "Objection Matters" as the applicant has failed to remove the objections within time granted by the office.</p> <p>3. The matter is of 2017 and the objections ought to have been removed much earlier. However, two weeks time is granted for compliance of office objections. If the objections are removed then the matter be kept under the caption "Admission" before the Tribunal on 28.02.2019.</p> <p>4. If the objections are not removed within two weeks from today, the O.A. stands dismissed in default without making reference to the court.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>O.A.No.135 of 2018 with M. A. No.47 of 2018</p> <p>D. M. ShindeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This matter is kept under the caption "Objection Matters" as the applicant has failed to remove the objections within time granted by the office.</p> <p>3. The matter is of 2017 and the objections ought to have been removed much earlier. However, two weeks time is granted for compliance of office objections. If the objections are removed then the matter be kept under the caption "Admission" before the Tribunal on 28.02.2019.</p> <p>4. If the objections are not removed within two weeks from today, the O.A. stands dismissed in default without making reference to the court.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>O. A. No.121 of 2019</p> <p>S. K. ChormaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Ms S. Suryawanshi, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 12.03.2019. 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 Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. 5.O. to 12.03.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memorenda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>M. A. No.464 of 2018 in O. A. No.827 of 2018</p> <p>S. K. HavaladarApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. R. Joshi, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In O.A.No.827/2018, the relief was sought to grant of deemed date of promotion whereas in M.A No.464/2018 is filed for condonation of delay cause in filing the O.A. The Applicant stands retired on 31.01.2015. Before retirement, the Applicant had made representation on 12.09.2013 for grant of deemed date of promotion on the post of PI but it was not responded. Thereafter, again he made a representation on 30.10.2015 contending that his juniors were granted promotion on the post of PI but he has not been considered for deemed date of promotion. Till date both these representation are pending.</p> <p>3. In view of above, this O.A. as well as M.A. can be disposed of with directions to the Respondent Nos.1 and 2 to take decision on the representations made by the Applicant referred to above.</p> <p>4. As agreed by the learned Advocate for the Applicant as well as learned P.O. for the Respondents for the aforesaid reasons, the O.A. No.827/18 and M.A.No.464/2018 are disposed of with directions to Respondent Nos. 1 and 2 to decide the representations made by the Applicant on 12.09.2013 and 30.10.2015 for grant of deemed date of promotion on the post of PI. The decision be taken within two months from today and the decision thereon be communicated to the Applicant within two weeks thereafter.</p> <p>5. No order as to costs.</p> <p style="text-align: right;">Sd/- v (A.P. Kurhekar) Member(J)</p>

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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 : 12.02.2019.</p> <p>O. A. No. 37 of 2018</p> <p>P. B. YadavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri M. B .Kadam, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.2. Learned Advocate for the Applicant has submitted that the grievance of the applicant has been redressed and, therefore, the matter be disposed of.3. Learned P.O. for the Respondents has also tendered the copy of letter dated 04.06.2018 to show that the Time Bound Promotion has been granted and Pay Fixation has been done ^{M.P.D} also.4. In view of above, the application is disposed of as no cause of action survives.5. No order as to costs. <p style="text-align: right;">Sd/- Ww (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>O. A. No.592 of 2017</p> <p>U. R. BhosaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submitted that in the present matter the challenge was to the suspension order but later on the departmental proceeding was initiated against the applicant and he was removed from the service. He, therefore, submitted that the cause of action does not survive and the application be disposed of.</p> <p>3. In view of above, the Original Application is disposed of as no cause of action survives. No order as to costs.</p> <p style="text-align: right;">Sd/- Wm (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribuna's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>O.A.No.836 of 2017</p> <p>S. M. HundekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. B. Kadam holding for Shri J. N. Kamble, learned Advocate for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This matter is kept under the caption "Objection Matters" as the applicant has failed to remove the objections within time granted by the office.</p> <p>3. The matter is of 2017 and the objections ought to have been removed much earlier. However, two weeks time is granted for compliance of office objections. If the objections are removed then the matter be kept under the caption "Admission" before the Tribunal on 28.02.2019.</p> <p>4. If the objections are not removed within two weeks from today, the O.A. stands dismissed in default without making reference to the court.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 12.02.2019.</p> <p>O.A.No.213 of 2017</p> <p>A. S. GitayApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and _____, learned Presenting Officer for the Respondents.</p> <p>2. This matter is placed under the caption of "Objection Matters" as the objections raised by the office are not complied with. The matter is of 2017 and still the objections are not removed.</p> <p>3. However, two weeks time is granted for removing the objections. If the objections are removed within two weeks from today, the matter be kept under the caption of 'Admission' on 28.02.2019.</p> <p>4. If the objections are not removed within two weeks, the O.A. stands dismissed in default without placing the same before the court.</p> <p style="text-align: center;">Sd/- W (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>O.A.No.746 of 2018 with O.A.747 of 2018</p> <p>D. T. Desai W. J. GodseApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. V. Joshi, learned Advocate for the Applicants, Smt. Archana B.K. holding for Ms N.G. Gohad and Shri S.D. Dole, learned Presenting Officers for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has filed Affidavit-in-Reply on behalf of the Respondent No.3 in O.A. No.746/2018 and the same reply is adopted on behalf of the Respondent Nos.1, 2 and 4 also. It is taken on record.</p> <p>3. The matter is adjourned for final hearing at the stage of admission.</p> <p>4. S.O. to 20.02.2019.</p> <p style="text-align: right;">Sd/- <i>Ww</i> (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>O.A.No.968 of 2018</p> <p>Dr. S. D. BhosaleApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. As per the directions given by this Tribunal in order dated 31.01.2019, the Respondent No.1 is directed to file Affidavit to explain how the transfer orders of 98 Livestock Development Officers have been modified after issuing of general transfer orders and not considering the applicant's representation for modification of the order.</p> <p>3. However, today the learned P.O. for the Respondents has tendered a letter issued by the Deputy Secretary dated 11.02.2019 wherein, the request is made for two weeks time for filing the reply.</p> <p>4. In terms of letter dated 11.02.2019, ten days time is granted to file the reply.</p> <p>5. Hamdast and steno copy is allowed.</p> <p>6. S.O. to 22.02.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 12.02.2019.
	<p style="text-align: right;">O.A.No.738 of 2017</p> <p>A.B. ManeApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule , learned Presenting Officer for the Respondents.2. In the present matter, the controversy is restricted to the date of inclusion of the name of the Applicant in waiting list. The name of the Applicant is already taken on wait list w.e.f. 28.09.2016. However, the Applicant's contention is that it should have been w.e.f. his application made on 24.12.2008.3. On previous date, the matter was adjourned on the request of the learned P.O. to facilitate issuance of appropriate orders.4. Today, learned P.O. submitted that the matter is under consideration before the Competent Authority to give effect to the application of the Applicant from 24.12.2008 and necessary orders will be issued within two weeks.5. As the matter is under consideration of the Competent Authority and the Applicant's grievance is likely to be redressed shortly, two weeks time is granted to learned P.O.6. Hamdast and steno copy is allowed.7. S.O. to 26.02.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>O.A.No.701 of 2018</p> <p>R. V. KothmireApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. None for the Applicant. Heard Smt Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. As the pleadings are complete, the matter is admitted and adjourned for final hearing on 05.03.2019.</p> <p>3. S.O. to 05.03.2019.</p> <p style="text-align: center;">Sd/- vsm (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE : <u>12-2-19</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. <u>H. R. Jadhav</u> appl. in person Advocate for the Applicant Shri/Smt. <u>K. S. Gaikwad</u> C.P.O./R.O. for the Respondent/s Adj.S.O. to <u>5-3-19</u> <i>orders passed in tribunal column</i> <u>Saxena</u></p>	<p><u>12.02.2019</u></p> <p><u>O.A No 982/2018</u></p> <p>Shri H.R Jadhav ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri H.R Jadhav, applicant in person and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents. 2. Learned P.O states that in view that all earlier O.As of present applicant were heard by Chairman and hence if present O.A is taken up for hearing by Chairman, the State has no objection thereto. 3. By consent, O.A 982/208 be listed before Chairman for final disposal on 5.3.2019. 4. Learned P.O prays for leave to file additional affidavit. 5. Leave is granted. Reply be filed within two weeks. 6. S.O to 5.3.2019. <p style="text-align: right;">Sd/- <u>(A.H Joshi, J)</u> Chairman</p>

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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 12.02.2019
<p>DATE: <u>12-2-19</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. <u>M. B. Kadam holding adv. Sadavarte</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>A. H. Gohad</u> C.P.O./R.O. for the Respondent/s <i>order passd in tribunal column</i></p> <p>Adj./S.C. to _____</p> <p style="text-align: right;"><i>Spesial</i></p>	<p style="text-align: center;">O.A No 716/2018</p> <p>Shri N.K Kiravate ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri M.B Kadam, holding for Mr Gunratan Sadavarte, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents. 2. Issue notice returnable on 18.3.2019. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued. 4. Applicants are authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by hand delivery/speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file affidavit of compliance and notice. 7. In case notice is not collected within 3 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record. 8. S.O to 18.3.2019. <p style="text-align: right;">Sd/- (A.H Joshi, J.) Chairman</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

12.02.2019

O.A No 357/2010

Shri S.M Kukdolkar ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Mrs Punam Mahajan, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.
2. Leave to substitute legal heirs of applicant is granted.
3. At the request of learned Chief Presenting Officer S.O to 26.3.2019.

Sd/-

(A.H Joshi, J.)
Chairman

Akn

DATE : 12-2-19

CORAM

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

APPEARANCE:

Shri/Smt. P. Mahajan

Advocate for the Applicant

Shri/Smt. S. P. Manchekar

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

order passed in tribunal column
Adj. S.O. to

S.O. to 26-3-19

[Handwritten 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
	<p>Date : 12.02.2019.</p> <p>O.A.No.95 of 2019</p> <p>N. C. DhageApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In terms of order passed by this Tribunal on 31.01.2019, the Respondent No.2 was directed to allow the Applicant to join on the post he held earlier in pursuance of the order passed by the Government on 08.01.2019 and the matter was adjourned for compliance.</p> <p>3. Today, Learned P.O. for the Respondents has tendered a copy of the order dated 12.02.2019 passed by the Commissioner, wherein it is stated that as per the order passed by this Tribunal, the Applicant has been reposted on the same post w.e.f. 04.02.2019 with retrospective effect.</p> <p>4. In O.A. the relief claimed was restricted ^{to} with the compliance of order passed by the Government on 08.01.2019 which has been complied now. As such, the grievance of the Applicant stands redressed.</p> <p>5. In view of above, the Original Application is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(I)</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 : 12.02.2019.</p> <p>O. A. No. 982 of 2017</p> <p>D. H. SurwaseApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. None for the Applicant. Heard Shri A. J. Chougule, learned Presenting Officer for the Respondents.2. Today, the learned P.O. for the Respondents has filed Affidavit-in-Reply to the amended pleadings of the Applicant. It is taken on record.3. As the pleadings are complete, the matter is admitted and adjourned for final hearing.4. S.O. to 05.03.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 12.02.2019.</p> <p>O.A.No.187 of 2017</p> <p>Dr. H. B. HankareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. None for the Applicant. Heard Smt. Archana B.K., learned Presenting Officer for the Respondents.2. This matter is shown on the board under the caption of "Objection Matters" as the Applicant has not filed Affidavit of service on record.3. However, perusal of the record reveals that the Respondent Nos.1 to 3 have already filed reply which is at page Nos.55 to 67 and, therefore, the matter be kept under the caption of "Admission".4. S.O. to 26.02.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Court, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.02.2019.</p> <p>O.A.No.336 of 2018 with M.A. No.617 of 2018</p> <p>R. D. Akrupe (O.A. No.336/2018)Applicant M.A. Jadhav (M.A.No.617/18)</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondent Nos.1 and 2. None for Respondent No.3. Shri A. V. Bandiwadkar, learned Advocate for the Applicant in M. A. No.617 of 2018.</p> <p>2. As noted by this Tribunal in various earlier orders, the Government has already decided to revoke the suspension of the Applicant on 28.11.2018 but the present matter is kept pending awaiting the posting order.</p> <p>3. Today, learned P.O. submitted that the follow up of the matter is being taken and necessary orders will be placed before the Tribunal on 18.02.2019.</p> <p>4. Till date enough time is granted for one or other count. However, lastly the matter is adjourned with specific direction that no further time ^{will be} granted and if the Respondents fail to place on record the posting order, the matter will be heard on merit.</p> <p>5. Hamdast and steno copy is allowed.</p> <p>6. S.O. to 18.02.2019.</p> <p style="text-align: right;">Sd/- W (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 12.02.2019.</p> <p>O.A.No.1123 of 2018</p> <p>A. B. GavariApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. None for the Applicant. MS S. P. Manchekar, learned Chief Presenting Officer for the Respondents.2. This matter is kept under the caption "Objection Matters" as the applicant has failed to remove the objections within time granted by the office.3. The matter is of 2017 and the objections ought to have been removed much earlier. However, two weeks time is granted for compliance of office objections. If the objections are removed then the matter be kept under the caption "Admission" before the Tribunal on 28.02.2019.4. If the objections are not removed within two weeks from today, the O.A. stands dismissed in default without making reference to the court. <p>Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 38 OF 2019

DISTRICT : THANE

Shri Suhas Ramchandra Bagde)...**Applicant**

Versus

The State of Maharashtra & Others)...**Respondents**

Shri Sandesh Shukla, a/w Shri Vivek Patil i/b Shri Shirin Shaikh, learned advocate for the applicant.

Shri Shreehari Aney, learned Special Counsel with Smt K.S Gaikwad, learned Presenting Officer for the Respondents no 1 & 3.

Shri M.D Lonkar, learned advocate for Respondent no. 2.

CORAM : **Shri Justice A.H Joshi (Chairman)**
Shri P.N Dixit (Member) (A)

DATE : **12.02.2019**

PER : **Shri Justice A.H Joshi (Chairman)**

ORDER

1. Heard Shri Sandesh Shukla, a/w Shri Vivek Patil i/b Shri Shirin Shaikh, learned advocate for the applicant, Shri Shreehari Aney, learned Special Counsel Smt Kranti S. Gaikwad, learned P.O for the Respondents 1 & 3 and Shri M.D Lonkar, learned advocate for Respondent no. 2.

2. This O.A was heard yesterday. Learned Senior Counsel and Special Counsel Shri Anye appeared on the instructions from the State and stated that he has instructions to appear for Respondents no 1 as well as no. 3 and has taken full instructions.

3. He prayed for a day's time to enable Respondent nos 1 & 3 to make a statement as to the stance /course of action which the Respondent nos 1 & 3 would prefer to follow upon being suitably advised as to corrective measures.



4. Today, learned P.O Smt K.S Gaikwad who appears of the State, states as follows:-

“The Government will reconsider the impugned decision in the light of existing policy decisions and in particular the Government circular dated 5.9.2018 and the order dated 24.10.2018 by which common enquiry has been ordered against Officers including the Respondent no. 2, and ten days’ time would be required.”

5. Learned P.O has tendered affidavit affirmed by Shri Arvind Singh, I.A.S, Secretary of Respondent no. 3’s Department.

6. Perused the affidavit of Shri Arvind Singh, I.A.S. The statement contained in the affidavit

“3. I say and submit that considering the fact that Circular dated 5.9.2018 of General Administration Department was not taken into consideration while granting additional charge to respondent no. 2, I crave leave of this Hon’ble Tribunal to reconsider the issue in the light of the provisions of said circular along with all other relevant issues. For the aforesaid exercise, I require a period of 10 days, with a view to take final decision as mentioned herein below:

- (a) Two days’ time required to collect opinion and relevant date in form of charge memo and related documents such as (i) Departmental Enquiry charge memo, (ii) Replies files, (iii) Stage of Departmental Enquiry, (iv) Roznama, (v) Evidence Recorded from Public Works Department.
 - (b) Thereafter, my office will require a period of two days’ time to scrutinize, examine and assess the available record of Energy Department to consider the eligibility of Respondent no. 2, the applicant and any other eligible officers for grant of additional charge by taking into consideration the reports of their performance read with public interest and administrative expenses.
 - (c) On receipt of all this information, I will require at least a day’s time to make my considered and dispassionate observations and recommendations to the Government about eligible candidate to whom the additional charge of the post of Chief Electrical Inspector is required to be given.
 - (d) Thereafter, a minimum period of at least 5 days be granted to obtain appropriate orders from Hon’ble Minister for Energy and Public Works Department and Hon’ble Chief Minister on the said issue. However, in the event more time is needed, I will make an appropriate request to this Hon’ble Tribunal.
- (Quoted from reply of Respondent no. 3 pages 180 & 181)

7. In view of the affidavit of the Secretary, referred to above, and the concession regarding examination of the matter, open mindedly, there would be no harm in granting time to the Government.

8. Learned advocate for applicant argues for grant of interim relief.

9. Heard on the point of interim relief.

10. While the learned advocate for the applicant argues that his petition is in the nature of a petition for writ of quo waranto based on a plea that the Respondent no. 2 lacks inherent eligibility of being put into the additional charge of the post of Chief Electrical Inspector, on the ground that he is facing disciplinary proceedings.

11. Present O.A as well as prayer for interim relief is strongly and vehemently opposed by Respondent no. 3 on the grounds namely:-

- (a) Applicant does not have right to the post.
- (b) Applicant has failed to avail remedy/recourse before the Government.
- (c) Individual against whom malafides are alleged are not arrayed as Respondents.
- (d) Burden to prove malafides is heavily on the relator and pleadings in that regard are vague and insufficient.
- (d) On merit the O.A is not maintainable because applicant does not have any enforceable legal right as against the post for which he is claiming adherence for additional charge.

12. Learned P.O opposed grant of interim relief on the ground that in view that Government is reconsidering the matter the grant of interim relief may not be necessary particularly when Respondent no. 2 has already taken charge.

13. Learned advocate Mr Lonkar has placed reliance on as much as 10 judgments to support the pleas advanced by him.

- (i) Judgment of Hon'ble Supreme Court in E.P Royappa Vs. State of Tamil Nadu & Another, (1974) 4 SCC 3.



- (ii) Judgment of this Tribunal dated 25.9.2018 in O.A 609/2016, Shri Prakash R. Acharekar Vs. The State of Maharashtra & Ors.
- (iii) Judgment of Hon'ble Supreme Court in Gulam Mustafa & Others Vs. The State of Maharashtra & Ors, 1977 AIR 448.
- (iv) Judgment of Hon'ble Bombay High Court in Yogesh Pratap Singh Vs. Government of Maharashtra, 1998 (2) Bom CR.1.
- (v) Judgment of Hon'ble Supreme Court in Ramakant Shripad Sinai Advalpalkar Vs. Union of India & Others, 1992 SCC (L & S) 115.
- (vi) Judgment of Hon'ble Supreme Court in Anil Rishi Vs. Gurbaksh Singh, (2006) 5 SCC 558.
- (vii) Judgment of Hon'ble Supreme Court in Dr. Duryodhan Sahu & Ors Vs. Jitendra Kumar Mishra & Ors, 1998 SCC (L & S) 1802.
- (viii) Judgment of Hon'ble Supreme Court in National Hydroelectric Power Corporation Ltd Vs. Shri Bhagwan and Shiv Prakash, 2002 SCC (L & S) 21.
- (ix) Judgment of Hon'ble Supreme Court in State of M.P & Anr Vs. S.S Kourav & Ors, 1995 SCC (L & S) 666.
- (x) Judgment of Hon'ble Supreme Court in Union of India Vs. S.L Abbas, 1994 SCC (L & S) 230.

14. Perused all citations.

15. In so far as the aspects governed by precedents are concerned, it shall suffice to observe certain aspects by which this Tribunal is governed:-

- (a) We are not impressed by or due to allegations of malafides.
- (b) Applicant's claim is for or like writ of quo waranto since the Respondent no. 2 possesses a tag of lack of eligibility or disqualification due to disciplinary proceedings.
- (c) Alternative remedy is not a bar of jurisdiction.

16. This Tribunal shall now deal with the factual aspect.

17. As has been argued and we see at the present case is in the nature of relief for writ of quo waranto on the ground that Respondent no. 2 who belongs to Public Works Department is being put into charge through the impugned order on the post of Electrical Inspector, which now is a separate department and the impugned order by which the Respondent no. 2 is put into charge is

contrary to the Government Circular issued by and in the name of the Governor which is dated 5.9.2018, which has focus on good governance.

18. The concept of right claimed by applicant has to be viewed from the angles of rules of law and the rule of good governance

19. It has transpired from concession made by the Government that the Government has now, may be after advise from Senior Counsel that the challenge needs to be viewed differently.

20. Shri Arvind Sing, IAS, the Secretary has stated that the decision to put the Respondent no 2 into charge, requires to be reconsidered in the light of Government Circular dated 5.9.2018. Therefore, it is not just prima facie but it is duly borne on record more than what would prima facie appear that the impugned order is a product of patent inadvertence or non-application of mind to the policy decision of Government notified through Circular dated 5.9.2018.

21. In the background of bifurcation of the Electrical Department from the Public Works Department, all the more, the propriety warranted that a clearance as regards the fact as to whether any disciplinary proceedings are pending against the Respondent no. 2 was necessary and learned Special Counsel Shri Anye, fairly conceded this position during his submissions advanced yesterday.

22. In the aforesaid background while the applicant does not have absolute right to the claim of holding additional charge becomes an aspect of no consequence. Applicant's right of being considered for holding additional charge is not in dispute. His claim may be considered on its own merits more over particularly when he was holding additional charge which was given to him by withdrawing it from the Respondent no. 2. Moreover for reversing the situation and for withdrawing charge from the applicant ought to have been "reasons" supported by reasons on record whether to be formally to be recorded or not.

23. In the peculiar facts and circumstances of the case grant of relief in the nature of stay of impugned order and its operation deserves to be granted, and consequently injunction against the Respondent no. 2 ought to follow in peculiar admitted policy decision of the Government.



24. Balance of convenience for grant of interim relief lies in favour of applicant particularly when he was legitimately put into additional charge is being disrobed unceremoniously and unheard and for no rhyme or reasons.

25. In the result we pass following impugned order:-

- (i) Pending reconsideration of the Government there shall be an interim stay of impugned order in terms of prayer (a) we restrain Respondent no. 2 from acting as Chief Electrical Inspector.
- (ii) Respondent No. 2 is restrained from holding temporary charge of the post of Chief Electrical Inspector and hand over the same to the applicant and applicant shall continue to hold the Additional Charge till express order if any in that behalf being passed by the Government.
- (iii) Government shall be free to restore the charge to the applicant or to put any other person in charge of the post of Chief Electrical Inspector as may be deemed proper.
- (iv) The O.A shall come up for hearing subject to action by the Government as considered before us.
- (v) State Government Respondents no 1 & 3 shall be free to process the papers pursuant to the statement made before us on behalf of Respondents no 1 & 3.

26. Observations in this order shall not govern merits of the case if it has to be heard and decided on merits.

27. S.O to 3.4.2019, with liberty to parties to circulate before due date if for and occasion arises.

28. After order was dictated, learned advocate Shri Lonkar, for Respondent no. 2, prays for staying the order for one week for enabling Respondent No. 2 to approach Hon'ble High Court.

29. Ordinarily, the request of stay of order is granted provided whenever some protection in favour of party requesting for stay is in operation or exist so that interim order shall not destroy the prospect of the party who desires to approach higher forum.

30. The Tribunal also considers in case of request for stay that the party so willing to challenge has arguable case. In view of the peculiar situation that

Government has decided to reconsider the matter and admittedly Res. No. 2 is crowned with the tag of charge sheet for disciplinary proceedings under Rule 78 & 9 of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, hence the oral request for staying the interim order for a period of one week to enable the Respondent no. 2 to approach the Hon'ble High Court is rejected.

31. Steno copy and Hamdast is granted.

Sd/-

(P.N Dixit)
Member (A)



Sd/-

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

Place : Mumbai
Date : 12.02.2019
Dictation taken by : A.K. Nair.

D:\Anil Nair\Judgments\2019\Feb-2019\O.A 38.19, Challenge to G.R, Int order, DB.doc

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>12/2/19</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Justice P.N. Dixit (Member) A</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>T. L. Pimple</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt. <u>S. P. Manchekar</u></p> <p>C.P.O./P.O. for the Respondent/s</p> <p>Adj. To..... <u>Head</u></p> <p>order passed in Tribunal column is admitted for final hearing and would be taken up in due course of time.</p> <p style="text-align: right;"><u>R</u></p>	<p>Date : 12.02.2019.</p> <p style="text-align: center;">O.A.No.99 of 2019</p> <p>P.P. JambhaleApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri T.L. Pimple, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents. 2. Learned C.P.O. Ms. S.P. Manchekar for the Respondents has filed reply on behalf of Respondents. 3. Learned Advocate Shri T.L. Pimple for the Applicant is seeking interim relief. However he is not able to demonstrate how the Respondents can be held responsible for the cancellation of application. 4. Claim made by the Applicant does not inspire confidence in his claim for interim relief. The interim relief is therefore rejected. 5. O.A. is admitted for final hearing and would be taken up in due course of time. <p style="text-align: right; margin-right: 100px;">Sd/- (P.N. Dixit) Member(A)</p> <p style="text-align: left; margin-left: 100px;">prk</p>

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

Tribunal's orders

12.02.2019

O.A 136/2012

Shri P.D Dorkar ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents

2. Learned advocate for the applicant prays for leave to amend.

3. Leave to amend is granted. Amendment to be carried out within one week.

4. Issue fresh notice returnable on 15.3.2019.

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

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

7. 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.

8. The service may be done by hand delivery/speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file affidavit of compliance and notice.

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

10. S.O to 15.3.2019.

Sd/-

(P.N Dixit)
Member (A)

Akn

Sd/-

(A.H Joshi, J)
Chairman

DATE: 12/4/19

CORAM:

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

Hon'ble Shri M. Kameshkumar (Member) A

(P.N. Dixit)

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. To: Heard

order passed in
Tribunal column.

SO to 15/3/19.

2

**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
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Date : 12.02.2019.

O.A.No.62 of 2018

P.R. ManeApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

DATE: 12/2/19

CORAM:

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

Hon'ble Shri M. Ramashankar (Member) A

P.N. DIXIT

APPEARANCE:

Shri/Smt. : S.S. Dere

Advocate for the Applicant

Shri/Smt. : S.P. Manchekar

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

Adj. To: 26/2/19

h

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

2. At the request of learned Advocate Shri S.S. Dere for the Applicant adjourned to 26.02.2019 to enable him to bring on record subsequent developments.

Sd/-
(P.N. Dixit)
Member(A)

prk

**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
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Date : 12.02.2019.

O.A.No.947 of 2018

S.S. Salve & Ors.Applicants.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri Shubham Kaushal, the learned Advocate holding for M/S. Kranti L.C., the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for Respondents.

2. Learned Advocate Shri Shubham Kaushal mentions that same issue has been raised in other Original Applications namely in O.A.No.690/2018 and O.A.No.1087/2018 and the same are scheduled on 25.02.2019.

3. Present O.A. may also be tagged along with O.A.No.690/2018 and O.A.No.1087/2018.

4. Adjourned to 25.02.2019.

Sd/-

(P.N. Dixit)
Member(A)

prk

DATE: 12/2/19

CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Ramakumar (Member) A
P.N. Dixit

APPEARANCE
Shri/Smt. Shubham Kaushal for Applicant
Advocate for the Applicant
Shri/Smt. N.G. Gohad
C.P.O / P.O. for the Respondent/s

Adj. To: 25/2/19

00690/18
001087/18 } 2

**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 : 12.02.2019.

O.A.No.765 of 2018

S.H. PawarApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A. Jaiswar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.

2. Learned Advocate Shri A. Jaiswar for the Applicant furnishes copy of judgments relied upon by him. The same is taken on record.

3. At the request of learned P.O. Ms. N.G. Gohad for the Respondents adjourned to 25.02.2019.

Sd/-
(P.N.'Dixit)
Member(A)

prk

DATE : 12/2/19

CORAM :

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

Hon'ble Shri M. Rameshkumar (Member) A

P.N. Dixit

APPEARANCE :

Shri/Smt. : A. Jaiswar

Advocate for the Applicant

Shri /Smt. : S. P. Manchekar

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

Adj. To : 25/2/19

**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>12/2/19</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A <u>P.N. DIXIT</u></p> <p>APPEARANCE : Shri/Smt. : <u>P. Jaiswar P</u> Advocate for the Applicant Shri/Smt. : <u>N.G. Gohad</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>Head</u> <u>order passed in</u> <u>Tribunal column</u> <u>5020 18/3/19</u></p>	<p>Date : 12.02.2019.</p> <p>O.A.No.588 of 2018</p> <p>M.M. SolankiApplicant. Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. Jaiswar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for Respondents. 2. Learned P.O. Ms. N.G. Gohad for the Respondents seeks four week's time to file reply. 3. Learned Advocate Shri A. Jaiswar for the Applicant mentions that even though the applicant is reinstated he has not received consequent back-wages and benefits. 4. Meanwhile learned Advocate Shri A. Jaiswar for the Applicant is also directed to furnish the copy of judgments to learned P.O. 5. Hamdast and steno copy is allowed to learned P.O. 6. 5.O. to 18.03.2019. <p style="text-align: right;">Sd/- (P.N.Dixit) Member(A)</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: <u>12/2/19.</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramachandrar (Member) A <u>P.N. Dixit</u></p> <p>APPEARANCE: Shri/Smt. : <u>None for the applicant</u></p> <p>Advocate for the Applicant Shri/Smt. : <u>S.P. Nandekar</u></p> <p>C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. <u>Admit. due course.</u></p> <p style="text-align: right;"><u>2</u></p>	<p>Date : 12.02.2019.</p> <p>O.A.No.1041 of 2018</p> <p>V.S. NaikApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents. None for the Applicant.</p> <p>2. Learned C.P.O. Ms. S.P. Manchekar for the Respondents files reply on behalf of Respondents No.1 and 2. The same is taken on record.</p> <p>3. Matter is admitted and kept for final hearing in due course.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member(A)</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
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Date : 12.02.2019.

O.A.No.812 of 2017

R.S. LodheApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned P.O. holding for Ms. S. Suryawanshi, the learned P.O. for Respondents.

2. Learned Advocate Shri K.R. Jagdale mentions that he would seek fresh instructions from the Applicant and therefore seeks adjourned by three week's.

3. Time granted.

4. S.O. to 18.03.2019.

Sd/-
(P.N. Dixit)
Member(A)

prk

DATE: 12/2/19.

CORAM

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

Hon'ble Shri M. Rameshkumar (Member) A
P.N. Dixit

APPEARANCE:

Shri/Smt. K.R. Jagdale.

Advocate for the Applicant

Shri/Smt. Gaikwad for S. Suryawanshi

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

Adj. To: 18/3/19.

**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 : 12.02.2019.

O.A.No.166 of 2018

S.P. JedheApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

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

2. At the request of learned P.O. Smt. Archana B.K. for the Respondents adjourned to 11.03.2019.

Sd/-
(P.N. Dixit)
Member(A)

DATE: 12/2/19

CORAM

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

Hon'ble Shri M. Ramesh Kumar (Member) A
P.N. Dixit

APPEARANCE :

Shri/Smt. : Abhijeet Pawar for D.B. Khaire

Advocate for the Applicant

Shri /Smt. : Archana B.K. :
C.P.O. for the Respondent

Adj. To: 11/3/19.

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 Date : 12.02.2019.
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O.A.No.634 of 2018

U.D. Kharat & Drs.Applicants.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri U.V. Bhosle, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for Respondents.

2. At the request of learned P.O. Ms. N.G. Gohad for the Respondents adjourned to 14.02.2019.

Sd/-

(P.N. Dixit)
Member(A)

prk

DATE: 12/2/19.

COMAM:

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

Hon'ble Shri M. Ramakrishna (Member) A
P.N. Dixit

APPEARANCE:

Shri/Smt.: U.V. Bhosle.

Advocate for the Applicant

Shri/Smt.: N.G. Gohad.

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

Adj. To: 14/2/19.

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**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
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Date : 12.02.2019.

O.A.No.915 of 2018

S.S. MaliApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents. None for the Applicant.

2. Learned C.P.O. Ms. S.P. Manchekar for the Respondents files reply on behalf of Respondents No.2 and 3. The same is taken on record.

3. Matter is admitted and kept for final hearing in due course.

Sd/-
(P.N. Dixit)
Member(A)

prk

DATE : 12/2/19

CORAM :

Hon'ble Justice ~~S.P. Dixit~~ L. Joshi (Chairman)

Hon'ble Shri ~~P.N. Dixit~~ (Member) A

APPEARANCE :

Shri/Smt ~~S.P. Manchekar~~ Advocate for the Applicant

Advocate for the Respondent

Shri/Smt ~~S.P. Manchekar~~

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

Adj. To..... Admit for final hearing in due course.

**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
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Date : 12.02.2019.

O.A.No.111 of 2019

M.H. DeshmukhApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

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

2. Learned Advocate Shri S.S. Dere for the Applicant wants to substitute the memo of O.A. along with supporting annexure documents.

3. Adjourned to 14.02.2019. At the request of learned Advocate for the Applicant O.A. be kept before Division Bench.

Sd/-

(P.N. Dixit)
Member(A)

prk

DATE: 12/2/19

CORAM:

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

Hon'ble Shri M. Manojkumar (Member) A
P.N. Dixit

APPEARANCE:

Shri/Smt. S.S. Dere

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Adj. To: Head

order passed in
Tribunal Gulum

So to 14/2/19
kept before
D/B.

[Signature]

**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
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Date : 12.02.2019.

O.A.No.888 of 2018

A.S. Shirsath & Ors.Applicants.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri Shubham Kaushal, the learned Advocate holding for M/S. Kranti L.C., the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for Respondents.

2. Learned P.O. Ms. N.G. Gohad for the Respondents seeks one week's time for filing reply.

3. Time granted.

4. Adjourned to 18.02.2019.

Sd/-
(P.N. Dixit)
Member(A)

DATE: 12/2/19

CORAM:

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

Hon'ble Shri ~~M. B. Bhatnagar~~ (Member) A

APPEARANCE

Shri/Smt. S. Shubham Kaushal for Kranti L.C.

Advocate for the Applicant

Shri/Smt. : N.G. Gohad

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

Adj. To: 13/2/19

prk

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>12/4/19</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Shri M. Rameshkumar (Member) A</p> <p>P.N. DIXIT</p> <p>APPEARANCE:</p> <p>Shri/Smt: <u>alone for the applicant</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt: <u>Archana B.K.</u></p> <p>C.P.O / P.O. for the Respondent/s</p> <p>Adj. To: <u>13/4/19 for</u></p> <p><u>Dismissed.</u></p> <p style="text-align: right;"><u>2</u></p>	<p>Date : 12.02.2019.</p> <p>O.A.No.278 of 2018</p> <p>R.B. JaidApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none">1. Heard Smt. Archana B.K., the learned Presenting Officer for Respondents.2. Learned P.O. Smt. Archana B.K., for the Respondents files reply on behalf of Respondent No.1 accompanying the final order in the departmental proceedings.3. According to learned P.O., the prayer made by the Applicant is set aside with the departmental proceedings and has therefore become infructuous.4. Learned Advocate Shri A.V. Bandiwadekar for the Applicant is absent.5. Kept for dismissal tomorrow. Adjourned to 13.02.2019. <p style="text-align: right;">Sd/- (P.N) Dixit Member(A)</p> <p>prk</p>

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

A./C.A. No. of 20

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al Application No. of 20

FARAD CONTINUATION SHEET No.

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

Tribunal's orders

Date : 12.02.2019.

O.A.No.6 of 2019

S.B. SalunkheApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Shri S.D. Dole, the learned Presenting Officer for Respondents.

2. It is noticed that while upholding the orders at M.A.T. Bench Nagpur, as has emerged from the copy of order placed on record at page 48 relating to O.A.No.780/2018, the uploading is done in "word format" resulting in the quotations reproduced with funny characters.

3. The registry at Nagpur, Mumbai and Aurangabad Bench should ensure that the all the orders and final judgments should never be uploaded in the word format. Those should essentially be uploaded in the P.D.F. format.

4. Order in O.A.No.780/2018 be uploaded in P.D.F. format.

Sd/-

(P.N. Dixit)
Member(A)

prk

Sd/-

(A.H. Joshi, J.)
Chairman