

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.237 of 2019

DISTRICT : PUNE

V. E. Khorate)Applicant

Versus

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

Shri D. B. Khaire, Advocate for the Applicant.
Shri A. J. Chougule, Presenting Officer for the Respondents.

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

DATE : 12.03.2019

ORDER

1. Heard Shri D. B. Khaire, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. In the present O.A., the Applicant has challenged the impugned transfer order dated 05.03.2019 whereby he has been transferred from the post of Assistant Collector, Pimpri-Chinchwad Municipal Corporation to Deputy Commissioner, Amravati Municipal Corporation. The reason for the transfer is shown on administrative ground in compliance of section 4(4)(ii) and 4(5) of the Transfer Act, 2005.
3. Learned Advocate for the Applicant sought interim relief of stay to the impugned order contending that the Applicant had joined at Pimpri - Chinchwad Municipal Corporation on 4th July, 2017 and has not completed his normal tenure and, therefore, it being mid-term and mid-tenure transfer, there has to be strict compliance of section 4(4) (ii) and 4(5) of the Act.



4. Per contra, Shri A. J. Chougule, learned Presenting Officer for the Respondents submitted that the impugned transfer has been approved by the Civil Services Board as well as by the Hon'ble Chief Minister. He has also produced the file for perusal of the Tribunal. He urged that the transfer was necessitated on administrative exigency and, therefore, at this juncture no case is made out for interim relief.

5. Perusal of the file produced by the learned P.O. reveals that the impugned transfer has been approved by the Civil Services Board as well as by the Hon'ble Chief Minister. The record of the file further shows that the post of Deputy Commissioner, Amravati Municipal Corporation was vacant and, therefore, it was necessary to fill in from the point of administrative ground.

6. When specific query was made to the learned P.O. about the period of vacancy of the post of Deputy Commissioner, Municipal Corporation, Amravati, on instructions, he stated that the said post was vacant for near about one year. He has also pointed out that at two places post of Deputy Commissioner, Municipal Corporation were vacant and, therefore, those posts were filled in. It is also made clear that in place of the Applicant no one is posted, as there are already three officials working in the cadre of Assistant Commissioner at Municipal Corporation, Pimpri-Chinchwad.

7. Thus, prima-facie there is compliance of section 4(4)(ii) and 4(5) of the Act, 2005.

8. The submission advanced by the learned Advocate for the Applicant that the Applicant is subjected to discrimination needs to be dealt with on merit. The Applicant is at liberty to bring it on record with necessary affirmation.

9. At this juncture, Shri D. B. Khaire, learned Advocate pointed out that in view of the Model Code of Conduct issued by the Election Commission of

India, the Applicant cannot be transferred and status quo deserved to be maintained. He has produced booklet namely Model Code of Conduct for guidance of Political Parties and Candidates. There is clarification about frequently ask question. Question No.8 and 9 are relevant, which are as follows:-

"Q8. Whether Govt. can make transfers and postings of officials who are related to election work?"

Ans. There shall be a total ban on the transfer and posting of all officers/officials directly or indirectly connected with the conduct of the election. If any transfer or posting of an officer is considered necessary, prior approval of the Commission shall be obtained.

Q9. Suppose an officer related to election work has been transferred by the Govt. before enforcement of model code of conduct and has not taken over charge at new place. Can such officer take over charge of office at new place after announcement of the code ?

*Ans. No.
Status -quo-ante shall be maintained."*

10. In the present case, the order issued by Assistant Returning Officer, Shirur, Lok Sabha Matadar Sangha, dated 05.03.2019 reveals that the Applicant has been appointed on election duty and his name is figured at sr.no.6 and several duties relating to election are allotted to him.

11. Thus, in view of the instructions given by the Election Commission of India, there has to be approval of Election Commission of India for the transfer of person who are entrusted with the election work. In the present case, admittedly there is no such approval of Election Commission of India.

12. In view of above, though there is prima-facie compliance of section 4(4)(ii) and 4(5) of the Act, 2005 in view of instructions of Election Commission of India, this is a fit case to maintain status quo ante.

13. Learned Advocate for the Applicant submitted that the Applicant is still not relieved and working on the said post.

14. For the aforesaid reasons, I am inclined to grant status quo ante.
15. Issue notice before admission returnable on 09.04.2019.
16. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
17. 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.
18. 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.
19. 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.
20. 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.
21. S.O. to 09.04.2019.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

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

Tribunal's orders
Date : 12.03.2019.

O.A.No.212 of 2019

V. S. DeshpandeApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. This matter is fixed under the caption of 'Final Hearing'.
3. At this juncture, learned P.O. for the Respondents sought to tender the Affidavit-in-Reply with request to take it on record. However, learned Advocate for the Applicant pointed out that now, the Respondents cannot file reply as of right, in view of the specific order passed by this Tribunal on 29.6.2017
4. Perusal of the order dated 29.6.2017 reveals that on that date request of the learned P.O. for grant of filing reply was rejected as enough chances were granted. The Tribunal further made it clear that on the next date, if the reply is filed it will be taken on record but no adjournment will be given for the said purpose and with this observation, the matter was adjourned for final hearing.
5. Now, the question comes whether up to the period of 1 ½ years, the respondents can be allowed to file reply, strictly speaking 'No' in view of the specific order passed by this Tribunal on 29.6.2017. However, as the matter is yet to be heard, it is desirable to give opportunity to the Respondents to file reply particularly in the light of fact that the Applicant is still in service. The dispute is about date of birth recorded in service-book. As per service-book, the date of birth is 15.12.1963 whereas the Applicant contends that his real date of birth is 25.01.1966.
6. In view of above, the Respondents are allowed to file Affidavit-in-Reply subject to cost of Rs.1000/-. Learned P.O undertakes to deposit the cost during the course of the day. Statement is accepted. Affidavit-in-Reply is taken on record.
7. S.O. to 26.03.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**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 style="text-align: center;"><u>O.A.310/18</u></p> <p>Shri S.B. Kashid ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Ms. S.T. Suryawanshi, learned P.O. for Respondents.</p> <p>2. In the present matter, the Applicant has basically challenged the impugned transfer order dated 07.06.2016 and also seeks direction to give him choice posting either at Institute of Science, Mumbai or Rajaram College, Kolhapur where PG courses in analytical chemistry are taught.</p> <p>3. Since the date of impugned transfer order the period of 3 years will be completing in ensuing general transfers of 2019, Presently the Applicant is Assistant Professor at Ismail Yusuf College, Mumbai and admittedly, now due for transfer in ensuing general transfers of 2019.</p> <p>4. In view of above, it will be appropriate to dispose of this O.A. with direction that the Applicant can file representation with the competent authority i.e. Respondent No.1 for claiming choice posting, so that it can be considered in general transfers of 2019.</p>

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

Tribunal's orders

5. The learned Advocate for the Applicant and learned P.O. have also suggested that the matter can be resolved in this manner.

6. In view of above, the O.A. is disposed of with direction to Respondent No.1 to consider the representation to be made by the Applicant in accordance to law at the time of general transfers of 2019. The Applicant shall submit representation to the Respondent No.1 within two weeks from today and the same shall be decided by Respondent No.1 as stated above. Accordingly, O.A. is disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member-J
12.03.2019

(skw)

**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 : 12.03.2019.</p> <p>M. A. No.424 of 2018 in O.A.No.916 of 2017</p> <p>S. N. ShirodeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri H. M. Inamdar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, the learned P.O. has filed Affidavit-in Reply to M.A. It is taken on record.</p> <p>3. During the course of hearing of M.A., learned Advocate for the Applicant has pointed out the Hon'ble High Court by order dated 16.03.2017 granted liberty to the Applicant to file petition before this Tribunal and also pointed out that the Hon'ble High Court made observations that he can persuaded the Tribunal for condonation of delay and the time spent in pursuing the W.P.</p> <p>4. However, perusal of the record reveals that the Applicant has not file the copy of W.P. to show that he was one of the party ^{to} of W.P.No.3487/2013 with W.P.No.742/2015.</p> <p>5. On the request of learned Advocate for the Applicant, the matter is adjourned for filing of copy of W.P. and hearing.</p> <p>6. S.O. to 25.03.2019.</p> <p style="text-align: right;">Sd/- _____ w (A.P. Kurhekar) Member(I)</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 : 12.03.2019.</p> <p>O.A.No.908 of 2018 with O.A.No.927 of 2018</p> <p>A. J. Sayyad (O.A.908/2018) D. M. Bhosale (O.A.927/2018)Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S.K. Hande , learned Advocate for the Applicant in O.A.908/2018, Ms S. Suryawanshi and Smt. Kranti Gaikwad, the learned Presenting Officers for the Respondents and Smt. Punam Mahajan, learned Advocate for the Applicant in O.A.927/2018.</p> <p>2. In both the matters Affidavit-in-Reply is filed and the matter is kept for hearing. Both the matters are adjourned for hearing at the stage of admission.</p> <p>3. Interim relief is continued till next date.</p> <p>4. S.O. to 22.03.2019.</p> <p>Sd/- W^v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram. Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 12.03.2019.</p> <p style="text-align: center;">O. A. No.240 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 G. A. Bandiwadekar, learned Advocate for the Applicants and Ms S. Suryawanshi, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 09.04.2019. 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. S.O. to 09.04.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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

Tribunal's orders
Date : 12.03.2019.

M. A. No.108, 109, 110 and 111 of 2019
In
O. A. No.199, 200, 201 and 202 of 2019

S. T. Chandanshive & Ors.Applicants

Versus

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

1. Heard Shri V.V. Joshi, learned Advocate for the Applicants and Shri A. J. Chougule and Smt. Archana B.K., learned Presenting Officers for the Respondents.
2. Issue notice before admission returnable on 09.04.2019.
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. S.O. to 09.04.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

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

Tribunal's orders

Date : 12.03.2019.

O. A. No.218 of 2019

B. W. Rikame

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicants and Ms N. G. Gohad, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 09.04.2019.
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. S.O. to 09.04.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**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 : 12.03.2019.

M. A. No.121 of 2019 in O. A. No.218 of 2019

B. W. RikameApplicant

Versus

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

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicants and Ms N. G. Gohad, learned Presenting Officer for the Respondents.

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

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

Tribunal's orders

Date : 12.03.2019.

O. A. No.219 of 2019

A. G. GavitApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicants and Ms N. G. Gohad, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 09.04.2019.
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. S.O. to 09.04.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

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

Tribunal's orders

Date : 12.03.2019.

O. A. No.234 of 2019

Dr. V.R. BhailuneApplicant

Versus

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

1. Heard Shri K. R. Jagdale, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 26.03.2019.
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 three 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. S.O. to 26.03.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**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 : 12.03.2019.

O.A.No.503 of 2018

S. M. ChavanApplicant

Versus

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

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

2. In the present matter, the applicant seeks direction for regularization of his service.

3. As the pleadings are complete, the matter is admitted.

4. Adjourned for final hearing on 11.04.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 12.03.2019.</p> <p>O.A.No.1010 of 2017</p> <p>D. N. SalunkheApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B. K. holding for Shri A. J. Chougule , learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the challenge is to the punishment order dated 09.02.2017 imposed upon the Applicant.</p> <p>3. As the pleadings are complete, the matter is admitted.</p> <p>4. Adjourned for final hearing on 02.04.2019.</p> <p style="text-align: right;">Sd/- (A.Ā. Kurhekar) Member(I)</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
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Date : 12.03.2019.

O.A.No.161 of 2019

N. S. NyamaneApplicant

Versus

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

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Learned Advocate for the Applicant stated that his client does not want to continue with the O.A. and requested for permission to withdraw the same.
3. Permission granted to withdraw the O.A.
4. In view of above, the Original Application is disposed of as withdrawn.
5. Interim relief granted by this Tribunal on 22.02.2019 stands vacated.
6. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 12.03.2019.
	<p style="text-align: center;">O.A.No.205 of 2019 with O.A. No.212 of 2019</p> <p>A. M. Gurav M. R. GalangeApplicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In both the Original Applications, learned Advocate for the Applicants sought permission to withdraw the Original Applications.</p> <p>3. Permission granted to withdraw the Original Applications.</p> <p>4. In view of above, the Original Applications are disposed of as withdrawn.</p> <p>5. No order as to costs.</p> <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
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Date : 12.03.2019.

O.A.No.132 of 2019

S. S. ZoreApplicant

Versus

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

1. Heard Shri A. V. Bandiwadkar, learned Advocate for the Applicant and Ms N. G. Gohad, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Today, the learned P.O. for the Respondents has filed Affidavit in Sur-Rejoinder. It is taken on record.

3. The matter is adjourned for hearing at the stage of admission.

4. S.O. to 19.03.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 12.03.2019.

O.A.No.96 of 2019

S. P. PathadeApplicant

Versus

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

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant sought permission to withdraw the present O.A. as the Respondent has given posting to the Applicant at Purandhar, which was as per his choice.

3. As the posting of choice has been granted, no cause of action further survives in the O.A.

4. Allowed to withdraw the O.A.

5. In view of above, the O.A. is disposed of as withdrawn.

5. No order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 12.03.2019.

O.A.No.920 of 2018

P. L. NaiknawareApplicant

Versus

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

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

2. Today, the learned Advocate for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.

3. On the request of the learned P.O., two weeks time is granted for hearing. Liberty is also granted to file Sur-Rejoinder, if any.

4. The matter is adjourned for hearing at the stage of admission.

5. S.O. to 02.04.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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 : 12.03.2019.

O.A.No.166 of 2019

N. W. Dandekar & Ors.Applicants

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Ms S. S. Suryawanshi holding for Ms N. G. Gohad, learned Presenting Officer for the Respondents.
2. Today, the learned P.O. for the Respondents has filed the Affidavit-in-Reply on behalf of the Respondent Nos.1 and 2. It is taken on record.
3. On the request of the learned Advocate for the Applicants, two weeks time is granted for filing rejoinder.
4. This matter be kept with O.A.No.266/2018 since the common issue is involved in both the matters.
5. S.O. to 26.03.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.215 of 2019

A.N. Bhalchandra

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

Shri M.D. Lonkar, the learned Advocate with Shri U.V. Bhosle, the learned Advocate for the Applicant.

Ms. S.P. Manchekar the learned Chief Presenting Officer for the Respondents.

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

DATE : 12.03.2019

PER : Justice Shri A.H. Joshi, Chairman

ORDER

- 1. Heard Shri M.D. Lonkar, the learned Advocate with Shri U.V. Bhosle, the learned Advocate for the Applicant and Ms. S.P. Manchekar the learned Chief Presenting Officer for the Respondents.**
- 2. Issue notice before admission returnable on 25.03.2019.**
- 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 three 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. After argument for sometime, learned Advocate Shri M.D. Lonkar for the Applicant states that Applicant would elect to face the charge-sheet, in the event the Government takes decision to have enquiry, and expect to have complete it on day to day basis.
9. Request of learned Advocate Shri M.D. Lonkar for the Applicant is, prima facie, ostensibly fair.
10. Secretary (Home) Transport Department, is directed as follows :-
- He shall himself call for papers.
 - Read those himself.
 - Form opinion after reading the charge-sheet, material basis on which it is formed, reply of the Applicant and form opinion as to whether Departmental Enquiry in the matter of charge is sustainably and If the answer is in favour of holding enquiry, order appointment of enquiry officer and direct the Enquiry Officer to conduct it expeditiously.
11. Filing of affidavit at this stage can be dispensed, if their either of the decision referred to in foregoing paragraph 10(c) is taken and served on the applicant and produce before Tribunal.
12. Steno copy and Hamdast is allowed to learned P.O..
13. Learned P.O. is directed to communicate this order to the Respondents.
14. S.O. to 25.03.2019.

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

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

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.236 of 2019

G.B. Waghmare

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

Shri K.R. Jagdale, the learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 12.03.2019

ORDER

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 02.04.2019.
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 three 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. In the meantime, Respondent No.1, Secretary, Higher and Technical Education Department, is directed as follows :-

- (a) He shall himself call for papers.
- (b) Read those himself.
- (c) Ascertain as to whether applicant took charge of the post of Dean, Sir J.J. Institute of Applied Arts on 01.03.2005, unauthorisedly and on his own.
- (d) See as to whether order dated 24.09.2004, page 18, Exhibit-'C', issued by the Government is a genuine document and what is its effect.
- (e) Is it possible to hold in law and on fact, that applicant had assumed the additional charge of the post of Dean on 01.03.2005, illegally and unauthorisedly and what are the reasons thereof.
- (f) After completing entire exercise as directed on points hereinbefore, he shall file his own affidavit, opposing O.A, if he decides to oppose the O.A.

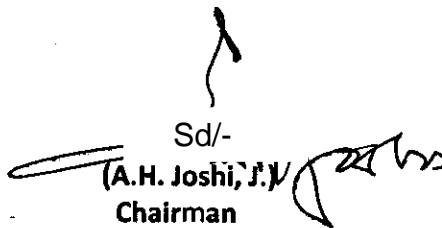
9. In case corrective measures are taken and applicant's demand is conceded, affidavit in reply need not be filed.

10. Steno copy and Hamdast is allowed to learned P.O..

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

12. S.O. to 02.04.2019.

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



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
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Date : 12.03.2019.

M.A.No.136 of 2019 in O.A.No.917 of 2016.

M.B. SonawaneApplicant.
Versus
The State of Maharashtra & Ors.Respondents.

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

2. Learned Advocate Shri R. Sorankar for the Applicant prays for leave to amend for incorporating certain averments.

3. Leave to amend as prayed is granted.

4. M.A. is allowed.

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

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

prk

DATE: 12/3/2019

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. B. Sonawane (Member) A

APPEARANCE:

Shri/Smt. : R. Sorankar
Advocate for the Applicant

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

Adj. To: M.A. is allowed.

BT

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

Tribunal's orders

Date : 12.03.2019.

O.A.No.917 of 2016

M.B. SonawaneApplicant.
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri R. Sorankar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
2. Fresh notice after amendment is returnable on 15.04.2019.
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 alterhate 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. S.O. to 15.04.2019.

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

Sd/-
(A.H. Joshi)
Chairman

DATE: 12/3/2019

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. B. Sonawane (Member) A.

APPEARANCE:

Shri/Smt.: R. Sorankar

Advocate for the Applicant

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

Adj. To: Fresh notice after

amendment is returnable on
15/4/2019

**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: 12.03.2019.

M.A.No.129 of 2019 in O.A.No.229 of 2019

G.A. Kiture & Ors.Applicants.
Versus
The State of Maharashtra & Ors.Respondents.

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

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

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

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

DATE: 12/03/2019

COBAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Manoj Kumar (Member) A

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: M.A. is allowed.

**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 : 12.03.2019.

O.A.No.229 of 2019

G.A. Kiture & Ors.Applicants.
Versus
The State of Maharashtra & Ors.Respondents.

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

2. Respondent No.1, Secretary, M.P.S.C. is directed to file affidavit-in-reply on the following point :-

Under what authority of law, particularly in the background of Rule 10(8)(b)(c) of the Maharashtra Public Service Commission Rules of Procedure (Amendment), Rules 2014 (as amended in 2016), M.P.S.C. has declined/ refused/ failed to furnish list/ names of candidates subject matter of O.A. though demanded by the Government, before the date of publication of candidates selected in subsequent selection process.

- 3. Affidavit be filed on or before 25.03.2019.
- 4. Steno copy and Hamdast is allowed to learned C.P.O..
- 5. Learned C.P.O. is directed to communicate this order to the Respondents.

6. S.O. to 25.03.2019.

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

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

DATE: 12/3/2019

CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Manohar (Member) A

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: 25/3/2019

steno copy and Hamdast is allowed to learn C.P.O.

12/3
Dere

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>12/3/19</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. <u>M.B. Kadam for Applicant</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>S.P. Morelekar</u> C.P.O./P.O. for the Respondent/s</p> <p>A.G./S.O. to <u>order corrected</u> <u>as 2018.</u></p>	<p>Date : 12.03.2019.</p> <p>O.A.No.544 of 2018</p> <p>V.B. ShendeApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.B, Kadam, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.</p> <p>2. In paragraph 14 of the order dated 11.03.2019, year '2019' appearing at three places be corrected as '2018'.</p> <p style="text-align: right;">  Sd/- (A.H. Joshi, J.) Chairman </p> <p>prk</p>

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

Tribunal's orders

Date : 12.03.2019.

O.A.No.38 of 2019

S.R. BagdeApplicant.
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri Sandesh Shukla, the learned Advocate i/b Smt. Shirin Shaikh, the learned Advocate for the Applicant, Smt. K.S. Gaikwad, the learned P.O. for the Respondents No.1 & 3 and Shri M.D. Lonkar, the learned Advocate for the Respondent No.2.

2. Learned P.O. Smt. K.S. Gaikwad for the Respondents states as follows :-

Today order is received requesting for enlargement of time by 14 days.

3. Request for 14 more days is not supported by circumstances which have led to failure to take decision within time stated before this Tribunal.

4. Moreover request for enlargement was liable to have been made punctually, which is not made, probably because Secretary, on whose behalf statement was to be made, he has forgotten or ignored his stance.

5. In this background Secretary should look into the matter and should himself physically move the file before competent authority and report the progress on day to day basis.

6. S.O. to 13.03.2019.

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

Sd/-
(A.H. Joshi, JA)
Chairman

prk

DATE: 12/3/2019

CORAM:

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

Hon'ble Shri M. P. D. (Member) A

APPEARANCE:

Shri Sandesh Shukla the

Advocate i/b Shirin Shaikh the

Advocate for the Applicant

Shri/Smt K.S. Gaikwad

C.P.O./ P.O. for the Respondent/s 1 & 3.

Adv. M.D. Lonkar for R. No. 2.

Adj. To 13/3/2019

**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: 12/3/2019</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit (Member) A</p> <p>APPEARANCE: Shri/Smt. Punam Mahajan Advocate for the Applicant Shri/Smt. S. P. Manchekar C.P.O / P.O. for the Respondent/s</p> <p>Adj. To not to be treated as part heard. Removed from board.</p> <p>4/7 one</p>	<p>Date : 12.03.2019.</p> <p>O.A.No.140 of 2019</p> <p>R.M. JaragApplicant. Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.</p> <p>2. Not to be treated as part heard. Removed from board.</p> <p>Sd/- (P.N. Dixit) Member(A)</p> <p>Sd/- (A.P. JOSHI) Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>12/3/2019</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Shri P. N. Dixit Member (A)</p> <p>APPEARANCE:</p> <p>Shri Name for the Applicant</p> <p>Advocate for the Applicant</p> <p>Shri S. P. Manchekar</p> <p>CPO for the Respondent/s</p> <p>Adj/S.O. to <u>22/3/2019</u></p>	<p><u>M.A. No.670 of 2018 in O.A. No.1141 of 2018</u></p> <p>G.V. Naik .. Applicant</p> <p>Vs.</p> <p>The State of Maharashtra & Ors. .. Respondents</p> <p>Applicant and Advocate for the Applicant are absent. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. CPO adjourned to 22.3.2019 for filing reply.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(P.N. Dixit) Member (A) 12.3.2019</p> <p>(sg)</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
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O.A. No.21 of 2018

R.R. Bhongade & Ors. ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Ms. Vaishali Maindad, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. CPO mentions that she proposes to file reply shortly.

3. S.O. to 15.3.2019.

Sd/-

(P.N. Dixit)
Member (A)
12.3.2019

(sgl)

DATE: 12/3/2019

CORAM:

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

Hon'ble Justice P. N. Dixit Member (A)

Ms. Vaishali Maindad

Advocate for the Applicant

Ms. S.P. Manchekar

CPO - for the Respondent/s

Adv. S.O. to 15/3/2019

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>12/3/2019</u></p> <p>COM: Justice Shri A. H. Joshi (Chairman)</p> <p>Member Shri P. N. Dixit Member (A)</p> <p>APPEARANCE: Shri Smt. Punam Mahajan</p> <p>Advocate for Applicant</p> <p>Shri Smt. S. P. Manchekar</p> <p>Ch. P.O. for the Respondent/s</p> <p>Adj./ S.O. to <u>26/3/2019</u></p>	<p style="text-align: center;"><u>O.A. No.1134 of 2018</u></p> <p>R.K. Bhosale ..Applicant</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. PO states that she has not received any instructions from the respondents. She seeks adjournment for filing reply.</p> <p>3. S.O. to 26.3.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.3.2019</p> <p>(sgj)</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>12/3/19</u></p> <p>COMRAJ: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A)</p> <p>APPEARANCE: Shri <u>C.T. Chandratre</u> holding for Shri. Omkar Kulkarni Advocate</p> <p>& Ms. S.P. Manchekar CPO respondent/s</p> <p>Adj./S.O. to <u>5.4.20/19</u></p>	<p align="center"><u>O.A. No.836 of 2018</u></p> <p>U.K. Survade & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate holding for Shri Omkar Kulkarni, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants seeks extension of time to collect and serve the notice by two weeks.</p> <p>3. S.O. to 5.4.2019.</p> <p align="right">Sd/- (P.N. Dixit) Member (A) 12.3.2019</p> <p align="center">(sgl)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>12/3/2019</u> CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P. N. Dixit Member (A) APPEARANCE: Shri <u>U. V. Bhosale</u> Advocate for the Applicant Shri <u>M. S. P. Manchekar</u> C.P.O. for the Respondents for Respts. Adj./ S.O. to <u>22/4/2019</u></p>	<p><u>O.A. No.931 of 2018 with M.A. No.552 of 2018</u></p> <p>J.V. Patil ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. MA is for condoning the delay in filing OA. The delay is of more than three years. According to the I.d. Advocate for the applicant there is permanent damage and monetary suffering as a consequence of the same.</p> <p>3. MA and OA be heard together.</p> <p>4. The respondents are directed to file reply in OA.</p> <p>5. S.O. to 22.4.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.3.2019</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>12/3/2019</u> CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Mr. P. N. Dixit Member (A) APPEARANCE: Shri <u>K. R. Jagdale</u> Advocate for the Applicant <u>Mr. S. P. Manchekar</u> C.P.O. for the Respondent/s Adj./ S.O. to <u>5/4/2019</u> <u>2</u></p>	<p><u>M.A. No.133 of 2019 in O.A. No.1017 of 2017</u></p> <p>K.N. Gawade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks leave to amend the MA. Leave granted. He seeks two weeks time for the same.</p> <p>3. S.O. to 5.4.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.3.2019</p> <p>(sgj)</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>DATE: <u>12/03/2019</u></p> <p>COM: <u>Shri Justice Shri A. H. Joshi (Chairman)</u> <u>Shri P. N. Dixit Member (A)</u> <u>Shri D. D. RananaWare</u></p> <p>Adj. S.O. to <u>22/4/2019</u></p> <p>Mr. K. S. Gaikwad PO for the Respondent/s</p>	<p><u>O.A. No.1058 of 2018</u></p> <p>J.R. Ingavale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri D.D. RananaWare, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO mentions that department's name in respondent no.2 needs to be specified. At the request of Ld. Advocate for the applicant, Ld. PO agrees to assist him for the same. Leave to amend the title granted.</p> <p>3. Ld. PO seeks three weeks time to file reply.</p> <p>4. S.O. to 22.4.2019.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.3.2019</p> <p>(sgj)</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>12/3/19</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. : <u>D.J. Ambilwade</u> <i>in person present</i> Advocate for the Applicant</p> <p><i>miss</i> Shri/Smt. : <u>S. Suryawanshi</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>heard</u> <u>10/4/19</u></p>	<p>Date : 12.03.2019.</p> <p>O.A.No.828 of 2018 (Subject : Compulsory Retirement)</p> <p>D.J. AmbilwadeApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri D.J. Ambilwade, Applicant in person and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents. 2. Learned P.O. Ms. S. Suryawanshi for the Respondents prays for three week's time. 3. Time as prayed is granted. 4. S.O. to 10.04.2019. <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</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>12/3/19</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. <u>Punam mahajan</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>A.J. Chougule</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>In view of</u> <u>letter dated 11.3.19</u> <u>C.A. 42/18 is disposed</u> <u>as the same is</u> <u>not pressed.</u></p> <p style="text-align: right;"><u>l</u></p>	<p>Date : 12.03.2019.</p> <p>C.A.No.42 of 2018 in O.A.No.832 of 2018</p> <p>R.A. KadampatilApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>2. In view of letter dated 11.03.2019, present C.A.No.42 of 2018 is disposed as the same is not pressed.</p> <p style="text-align: center;">Sd/- (A.H. Joshi, J.) Chairman</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 : 12.03.2019.

C.A.No.37 of 2018 in O.A.No.907 of 2017

U.A. Sonawale & Ors.Applicants.

Versus

The State of Maharashtra & Ors.Respondents.

DATE : 12/3/19.

CORAM :

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

APPEARANCE:

Shri/Smt. : M.D. Lonkar.

Advocate

Shri/Smt. : S.P. Manchekar

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

ATTN/O. to : Heard

In view of decision
CA is disposed.



1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. Reply to show cause furnished by Shri Ashish Kumar Singh, Principal Secretary (Transport and Ports), Mantralaya, and particularly statement contained in paragraph No.9 of affidavit dated 02.03.2019 is accepted as adequate gesture.

3. In view of decision, C.A. is disposed.

4. Applicant shall be free to challenge the adverse decision.



Sd/-

(A.H. Joshi, J.)
Chairman

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE : <u>12/3/19.</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: <u>Shri A. A. Desai</u></p> <p>Adv. for Applicant</p> <p>Shri <u>S.P. Manchekar</u> C.F. MPO. for the Respondent/s</p> <p>Adj./S.O. to <u>heard</u> <u>order passed in</u> <u>Tribunal Column.</u> <u>Sd to 27/3/19.</u></p> <p style="text-align: right;">P.</p>	<p>Date : 12.03.2019.</p> <p style="text-align: center;">O.A.No.320 of 2018</p> <p>N.R. Thakur & Ors.Applicants. Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.A. Desai, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents. 2. In view of amendment issued fresh notice returnable on 27.03.2019. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 4. 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 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. S.O. to 27.03.2019. <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</p> <p>prk</p>

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>12/3/2019</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Jishi (Chairman)</p> <p>Hon'ble Shri <u>P.N. Dixit</u> (Member) A</p> <p>APPEARANCES</p> <p>Shri/Smt. : <u>Applicant and Advocate</u> <u>for the applicant are absent.</u></p> <p>Shri/Smt. : <u>K.S. Gaikwad</u> C.P.O / P.O. for the Respondent's</p> <p>Adj. To..... <u>12/3/2019 for dismissal</u></p> <p style="text-align: right;"><u>12/3</u> <u>2019</u></p>	<p style="text-align: center;"><u>O.A. No.559 of 2018</u></p> <p>A.R. Khatavkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Applicant and Advocate for the Applicant are absent. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO mentions that substituted OA has not been served in the office of CPO.</p> <p>3. S.O. to 13.3.2019 for dismissal.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 12.3.2019</p> <p>(sgj)</p>