

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE :</b> <u>12/12/2017</u></p> <p><b>CORAM :</b> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><b>APPEARANCE:</b> Shri/Smt. : <u>S.D. Patil</u> Advocate for the Applicant</p> <p>Shri/Smt. : <u>S.P. Manchekar</u> C.P.O. for the Respondent/s</p> <p>Adj./S.O. to : <u>M.A. is allowed.</u></p> <p style="text-align: right;"><i>prk</i></p> <p><b>Order dt.:-</b> <u>12/12/17</u> <b>communicated by</b> <b>App. No.</b> <u>1705</u> <b>by</b> <b>Hand &amp; Resp No.</b> _____ <b>By Post on :-</b> <u>14/12/17</u></p> <p style="text-align: center;"><u>(8)</u></p>	<p><b>Date : 12.12.2017.</b></p> <p style="text-align: center;"><b>M.A.No.534 of 2017 in O.A.No.1140 of 2017</b></p> <p><b>S.A. Desai &amp; Ors, .....Applicants.</b></p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors. ....Respondents.</b></p> <ol style="list-style-type: none"> <li>1. Heard Shri S.D. Patil, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.</li> <li>2. This is an application for leave to sue jointly.</li> <li>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</li> <li>4. In this view of the matter, the present Miscellaneous Application is allowed subject to Applicants paying requisite court fees, if not already paid.</li> <li>5. M.A. is allowed.</li> </ol> <p style="text-align: right;">Sd/- <b>(A.H. Joshi J.)</b> Chairman</p> <p style="text-align: right;"><i>prk</i></p>

(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 : 12.12.2017.

O.A.No.1140 of 2017 with O.A.No.1035 of 2017

S.A. Desai & Ors. (O.A.No.1140/2017)

S.D. Kumbhare & Ors. (O.A.No.1035/2017) ....Applicants.

Versus

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

1. Heard Shri S.D. Patil, the learned Advocate for the Applicants in O.A.No.1140/2017, Dr. G. Sadavarte, the learned Advocate for the Applicants in O.A.No.1035/2017 and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. S.O. to 22.01.2018, with liberty to mention before due date is occasion arises.

Sd/-

(A.H. Joshi)  
Chairman

prk

DATE : 12/12/17

CORAM :

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

APPEARANCE:

Shri/Smt. : S.D. Patil

Ld. Advocate for the Applicant (O.A. 1140/17)  
 Dr. Gunratam Sadavarte Ld. Adv. for Applicant  
 Shri/Smt. : S.P. Manchekar (O.A. 1035/17)  
 C.P.O./P.O. for the Respondent/s

Adj./S.O. to 22/1/2018.

MTE

On the dt.:- 12/12/17

indicated by

App. No. 1 to 5 by

Head & Resp No.

By Post on :- 14/12/17

Ⓟ

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.1125 OF 2016**

Shri Rajendra Murlidhar Mohite ..Applicant  
Versus  
The State of Maharashtra & Ors. ..Respondents

Shri Sandeep Dere – Advocate for the Applicant  
Shri N.K. Rajpurohit – Presenting Officer for Respondents No.1 to 4  
Shri Suhas S. Deokar – Advocate for Respondent No.5

CORAM : Shri Justice A.H. Joshi, Chairman  
DATE : 12<sup>th</sup> December, 2017

**ORDER**

1. Shri Suhas S. Deokar, learned Advocate for Respondent No.5 has given a note dated 6.12.2017 for speaking to minutes of the order dated 24.11.2017 passed in the above OA No.1125 of 2016.
2. Heard Shri Sandeep Dere, learned Advocate for the Applicant, Shri N.K. Rajpurohit, learned Presenting Officer for Respondents No.1 to 4 and Shri Suhas S. Deokar, learned Advocate for Respondent No.5.
3. It is seen that errors have crept in transcription of the order pronounced on 24.11.2016. Hence, the following order is passed.
4. Order dated 24.11.2016 be corrected as follows:

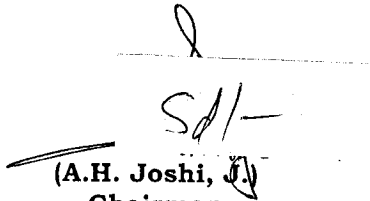
(a) In clause (i) of para 2 word 'was' be substituted by word 'is'.

(b) clause (ii) of para 2 be substituted as follows:

"(ii) By virtue of transfer of certain functions of the Government to Zilla Parishad, services of Respondent No.5, who was appointed in relation to these functions, were allocated to Zilla Parishad, Thane."

(c) At six places in the order at paras 2(iii), 3, 5 to 8 word 'Applicant' be substituted by words 'Respondent No.5'.

5. Certified copies supplied to parties, be called back and corrected copies be supplied.

  
**(A.H. Joshi, J)**  
**Chairman**  
**12.12.2017**

Dictation taken by: S.G. Jawalkar.

**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

**12.12.2017**

**M.A 458/2017 in O.A No 831/2017**

The State of Maharashtra & Ors ... Applicants  
(Ori Respondents)

Vs.

Smt Vijaya A. Talkute ... Respondent  
(Ori Applicant)

1. Heard Smt K.S Gaikwad, learned Presenting Officer for the Applicants (Ori Respondents) and Mrs Punam Mahajan, learned advocate for the Respondent (Ori Applicant).

2. Post facto leave is granted for substitution.

3. Heard both sides. Perused the application and the affidavit of the Desk officer.

4. It is not disputed that the Desk Officer had made the statement/gave instructions on his own and the authority to make such statement/give such instructions did not vest him.

5. Hence by accepting the reasons and circumstances narrated in M.A, it is allowed.

6. Let the Original Application come up for hearing on 18.12.2017.

**DATE :** 12/12/17

**CORAM :**

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

**APPEARANCE:**

Shri/Smt. : K.S. Gaikwad

Advocate for the Applicant (Org. Rep.)

Shri/Smt. : Punam Mahajan H. ndv.

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

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

Let the o.A. come up for hearing on 18/12/2017.

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(A.H Joshi, J.)  
Chairman

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

DISTRICT \_\_\_\_\_

Applicant/s

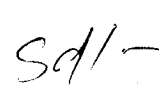
(Advocate .....)

versus

The State of Maharashtra and others

Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE :</b> <u>12/12/17</u></p> <p><b>CORAM :</b> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>M.D. Lonkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Archana B.K.</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>15/1/2018. Interim relief to continue.</u></p> <p style="text-align: right;"><i>M.D.</i></p>	<p>Date : 12.12.2017.</p> <p>O.A.No.658 of 2017</p> <p>S.M. Bade .....Applicant.</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.</p> <p>2. S.O. to 15.01.2018. Interim relief to continue.</p> <p style="text-align: center;">         (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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**12.12.2017**

**O.A No 1133/2017**

Dr V.R Kamat ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

2. It shall suffice, and hence affidavit of State be filed answering para 7.2 to 7.5 only.

3. While replying special attention be given to the judgments referred to in para no. 7(2)(a) and 7(2)(b).

4. In case Government decides to withdraw the impugned communication, affidavit in reply need not be filed.

5. S.O to 15.1.2018.

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

**DATE :** 12/12/17

**CORAM :**

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

**APPEARANCE:**

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

Adj./S.O. to 15.1.2018.

Steno copy & Hamdast is granted.

*RFE*

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

Akn

**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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**12.12.2017**

**O.A No 1121/2017**

Shri Pravin P. Pardeshi ... Applicant  
Vs.  
The State of Maharashtra & Ors... Respondents

1. Heard Shri R.M Kolge, learned advocate for the applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. Disposed as withdrawn with liberty as available in law.

**DATE :** 12/12/17

**CORAM :**

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

**APPEARANCE:**

Shri/Smt: R.M. Kolge

Advocate for the Applicant

Shri/Smt: Swati Manchekar

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

Adj./S.O. to disposed as withdrawn  
with liberty as available  
in law.

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Akn

*[Signature]*  
= Sd/-  
(A.H Joshi, J.)  
Chairman



**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO. 1143 OF 2017**

**DISTRICT : NASIK**

Dr Ashok Chintaman Sasane, )...**Applicant**

**Versus**

Government of Maharashtra & Ors )...**Respondents**

Shri M.D Lonkar, learned advocate for the Applicant.

Shri K.B Bhise, learned Presenting Officer for the Respondents.

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

**DATE : 12.12.2017**

**ORDER**

1. Heard Shri M.D Lonkar, learned advocate for the Applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents
2. Issue notice returnable on 22.1.2018.
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 7 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. Heard on interim relief.

9. It is seen that pursuant to the powers conferred by G.R dated 30.11.2016, to effect transfers of Medical Officers, Group 'A'. Respondent no. 2 taking into consideration the request made on behalf of the applicant, issued an order dated 15.5.2017 by which the applicant came to be transferred from Primary Health Centre, Bolthan, Tal-Nandgaon, Dist-Nasik to the post of Taluka Health Officer, Panchayat Saminti, Nandgaon, Dist-Nasik.

10. Pursuant to the aforesaid order of transfer dated 15.5.2017, the petitioner joined duties by submitting his joining report dated 19.5.2017. Thus the applicant was not due for transfer.

11. The impugned order dated 7.12.2017 was issued by Respondent no. 1 by which the applicant is sought to be transferred from the post of Taluka Health Officer, Panchayat Samiti, Nandgoan, Dist-Nasik without giving him a posting whatsoever, and Respondent no. 4 is sought to be posted in the post held by the present applicant.

12. Thus applicant's ouster ordered before completion of statutory tenure at his last place of posting at Nandgaon, Dist-Nasik.

13. Hence, applicant is entitled for interim relief, which is accordingly granted in terms of prayer 15(b).

14. S.O to 22.1.2018.

15. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.

2  
Sd/-  
(A.H Joshi, J.)  
Chairman

**Place : Mumbai**  
**Date : 12.12.2017**  
**Dictation taken by : A.K. Nair.**

**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 : 12.12.2017.

M.A.No.534 of 2017 in O.A.No.1140 of 2017

S.A. Desai & Ors, .....Applicants.

Versus

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

1. Heard Shri S.D. Patil, 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 Miscellaneous Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

**DATE :** 12/12/2017

**CORAM :**

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

**APPEARANCE:**

Advocate for the Applicant: S.D. Patil

Ld. Advocate for the Applicant

Advocate for the Respondent/s: S.P. Manchekar

Advocate for the Respondent/s

Advocate for the Respondent/s: M.A. is allowed

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**(A.H. Joshi J.)  
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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**12.12.2017**

**O.A No 1037/2017**

Shri R.V Tambe ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O states on instructions that P.P.O is issued and payment of pension would begin within two weeks.

3. Hence Original Application is disposed accordingly.

**DATE :** 12/12/17

**CORAM :**

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

**APPEARANCE:**

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. Swati Manchekar

C.P.O for the Respondent/s

Adj./S.O. to OA is disposed accordingly.

*[Signature]*

Akn

Sd/-

(A.H Joshi, J.)  
Chairman

**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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**12.12.2017**

**O.A No 1028/2017**

Shri P.S Sawant ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O states on instructions as follows:-

Process for grant of pension to applicant would be commenced forthwith and would be completed expeditiously.

3. Hence O.A is allowed in terms of prayer 15 (a) with change that the interest shall be as per rate on P.F duly compounded.

4. The payments be made within 3 months from today.

5. The payment of retiral dues shall be subject to D.E in contemplation in accordance with law.

DATE: 12/12/17

CC: Hon. J. and A. H. Joshi (Chairman)

Adv: M.D. Lonkar

Adv: Applicant

Adv: Swati Manchekar  
C.P.O. Respondent/s

Adv./S.O: OA is allowed

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Sd/-

(A.H Joshi, J.)  
Chairman

Akn

**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 : 12.12.2017.
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O.A.No.956 of 2016 with M.A.No.500 of 2017

S.S. Kate & Ors. ....Applicants.

Versus

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

1. Heard Shri Harprit Singh, the learned Advocate holding for Shri D.H. Pawar, the learned Advocate for the Applicants and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Shri Harprit Singh, the learned Advocate states on instruction that Applicant No.9 has instructed the Advocate to withdraw the O.A., unconditionally, hence, the name of Applicant No.9 be deleted from the array of Applicants from both M.A. and O.A..

3. S.O. to 22.01.2018.

**DATE :** 12/12/17

**CORAM :**

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

**APPEARANCE:**

Shri/Smt. Harprit Singh Ld. Adv.  
holding for Shri D.H. Pawar Ld. Adv.  
Advocate for the Applicant

Shri/Smt. K.S. Gaikwad  
C.P.O./P.O. for the Respondent/s

Adj./S.O. to 22/1/2018

B/E

Sd/-

(A.H. Joshi)  
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 : 12.12.2017.

O.A.No.1140 of 2017 with O.A.No.1035 of 2017

S.A. Desai & Ors. (O.A.No.1140/2017)

S.D. Kumbhare & Ors. (O.A.No.1035/2017) ....Applicants.

Versus

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

1. Heard Shri S.D. Patil, the learned Advocate for the Applicants in O.A.No.1140/2017, Dr. G. Sadavarte, the learned Advocate for the Applicants in O.A.No.1035/2017 and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. S.O. to 22.01.2018, with liberty to mention before due date is occasion arises.

**DATE :** 12/12/17

**CORAM :**

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

**APPEARANCE:**

Shri/Smt. S.D. Patil

Ld. Advocate for the Applicant (O.A. 1140/17)  
Dr. Gunratam Sadavarte Ld. Adv. for Applicant.  
Shri/Smt. S.P. Manchekar (O.A. 1035/17)  
C.P.O. for the Respondent/s

Adj. S.O. to 22/1/2018.

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prk

Sd/-

(A.H. Joshi J.)  
Chairman